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THE SOLICITORS' JOURNAL.

LONDON, JULY 2, 1859.

CURRENT TOPICS.

Mr. Cobden, yesterday, declined the presidentship of the Board of Trade, which had been strongly pressed upon him by Lord Palmerston; but we understand that the refusal is based on other grounds than that of antagonism to the Government, it being Mr. Cobden's intention to give Ministers a hearty, though independent, support. Mr. Massey, formerly Under-Secretary for the Home Department, has been chosen by the House Chairman of its Committees, and without the opposition which was once threatened to his election. The Attorney and Solicitor-General and Judge Advocate have all been re-elected by their several constituencies.

Sir Fitzroy Kelly, relieved once more from that disagreeable adjunct of office, the danger of being called upon to reduce his professions to practice, has announced to the Law Amendment Society his earnest desire to reform the law of bankruptcy and insolvency. A most laudable wish, and one which might have made his reputation as a legislator, had he exhibited an equal zeal when seated on the Treasury bench. It is not likely, however, that Sir Fitzroy will have the field to himself quite as easily as he supposes; for we have good reason for stating that Lord John Russell's Bill will, probably, be introduced as a Government measure, with every prospect of success. But were it otherwise, we should doubt the wisdom of entrusting so laborious a piece of legislation to the hands of Sir Fitzroy Kelly. The ex-Attorney-General has always been famous for his promises; as witness his declaration some three years since, that he would consolidate the whole law of England into some 300 statutes, and pass them incontinently through the Legislature. When we come to examine the actual result of this rodomontade, we find that Sir Fitzroy Kelly has never yet passed one single measure through Parliament, and that his legislative capacity is estimated extremely low in the House of Commons. We shall be very glad to see him regain the confidence of that body by some practical performance, but till he has done so it would be well to avoid these lavish promises, productive only of a ridicule which even the solemnity of the Law Amendment Society can scarcely conceal.

We are sorry to find that the committee of county court judges, directed by the Lord Chancellor (Chelmsford) to inquire into the system of imprisonment for non-payment of debts recovered in the county courts, have declined to receive any verbal evidence on the subject, though they have expressed their willingness to consider any written communications that may be forwarded to them. We are unaware of the grounds on which this resolution has been founded, and we wish to be cautious of censure until we have received more complete information; but, considering that the inquiry affects the conduct and discretion of county court judges, we should have thought that every means of full inquiry would have been eagerly sought for by a committee of those gentlemen. Mr. Collier will introduce his bill next week, and we hear that he intends to call the attention of the House to the subject at some length.

Some inquiries have been made of us respecting the position and prospects of solicitors in the colony of New Zealand, and we take this opportunity of giving an answer in a form that may catch the eye of other than our correspondents on the subject. We have reason to believe that any young, enterprising solicitor, especially with a little capital, will find the colony an excellent field for professional advancement, and that without the hindrances, partly from competition, and partly from colonial regulations, which now exist in Canada and most of our Australian settlements. A solicitor emigrating to New Zealand should take with him his letters of admission, which (with the payment of a small fee) will at once entitle him to practise, but unless he intends to return to England as a professional man there will be no occasion for him to continue taking out his annual certificate. Practice of all kinds will be open to him in the colony, there being no distinction observed between the two branches of the profession, and we need hardly say that success is most easily obtained by the well-educated, versatile man, apt at different branches of law, and ready to turn his hand to anything, whether as an advocate or in an office. To such the colony offers the advantages of an excellent climate, light taxation, and rapidly growing wealth, together with society far superior to that generally found in Australia. The law of England is in force throughout the whole of New Zealand.

THE NEW JUDGE.

The appointment of Mr. Colin Blackburn to the recent vacancy in the Queen's Bench has caused no little surprise in Westminster Hall, and outside too. The morning papers, led by the Thunderer, have treated the subject with unusual vehemence. Their indignation, however, has not surpassed what is generally felt and expressed at the common law bar. The *Times*, with its usual humour, thus writes—

"Everybody has been going about town asking his neighbour, 'who is Mr. Colin Blackburn?' The very ushers in the courts shake their heads, and tell you they 'never heard of such a party.' Neither in banco nor on circuit,—neither in Parliamentary, in civil, nor in criminal business, has the name of this gentleman been brought before the public. On referring to the *Law List*, we find that Mr. Colin Blackburn was called to the bar in the year 1838, that he is on the northern circuit, and that he practises at the Liverpool Sessions; that is to say, that the words 'Northern Circuit, Liverpool Sessions,' are attached to his name. For aught we know, Mr. Colin Blackburn may be a pre-eminent man at the Liverpool Sessions; but most assuredly, neither as advocate nor as lawyer is his name known to the world at large. He is not a Queen's counsel. His legal claims to this appointment stand at a minimum; has he then done any service to the liberal party in Parliament, which

should entitle him at their hands to such high honours and so lucrative a post? Literally none. The only reason which can be assigned for this strange freak of the Chancellor is, that this new puisne judge is a Scotchman. Now, no one can affirm, with justice, that there is any jealousy among our English lawyers, when Scotchmen are selected for the honours of the bench. No voice has ever been raised against Lord Campbell himself; his elevation was witnessed with satisfaction on all sides, for he had fairly earned the first position in his profession. Surely, if Lord Campbell was determined to have a Scotchman on the bench, he might have selected some one who had established some little claim to the honour . . . . We cannot but look upon this appointment as a most unfortunate one, and as a grievous mistake. Lord Campbell has, in this instance, pushed national prejudices somewhat too far. A national job is worse than a family job, because the number of any man's relatives must be limited; but of his countrymen there is no end."

The *Daily News* follows in an equally caustic strain. Some of the provincial journals have thought the topic not unsuitable for the exercise of such satirical powers as they have at their disposal; and even that defender of the rights of Caledonia, the *Scotsman*, finds it in its heart to say that the statement that Mr. Colin Blackburn (one of the brothers of Mr. P. Blackburn, M.P.) is to be the Puisne Judge, vacated by Sir W. Erle, caused a great, and not altogether a pleasant, sensation in Westminster-hall, and similar places on Monday. The affair has created great surprise as well as dissatisfaction, no motive for so decided a departure from what is usual and proper being apparent.

Mr. Blackburn having already been sworn in and taken his seat on the Bench, we refrain from doing more than presenting our readers with these two specimens of the comments with which the appointment has been announced by the Press, and adding an expression of our sincere regret that Lord Campbell should have so soon clouded the expectations of his numerous friends on his elevation to the woolsack.

A DEPARTMENT OF JUSTICE.

Sir R. Bethell, on Thursday evening, upon Mr. Whiteside's motion for leave to bring in Bills to consolidate the criminal law of England and Ireland, took occasion to inform the House of Commons that the Statute Law Commission had not laid a single Bill on their table, and insisted, therefore, upon the necessity of a minister or department of justice, if it were desired to carry out the proposed consolidation of our statute law. Were that the only task to be accomplished by the new minister, we venture to think that it might be achieved quite as well without calling into being so important and expensive an official as the one proposed by the Attorney-General. But in the admirable observations of the same learned gentleman, which are contained in his recently-published address to the Juridical Society, and which will be found elsewhere in our columns, will be found many other weighty arguments in support of the creation of this new department of state. We desire only to enter our protest against any indefinite postponement of Statute Law Consolidation until we have a minister of justice, or that any pretended difficulties in the subject matter should deter Parliament from taking the work into its own hands, and attempting to carry it out, either by one of its own officers, or by assigning it to one or two competent and willing men, who are easily procurable. The discussion of Thursday night had, at all events, one satisfactory result — almost every member who addressed the House on the question, united in condemning the utter inefficiency and neglect of the Statute Law Commission. Mr. Collier considered that it would be best to abolish it at once, as it had proved a complete failure; and that the only effort of the commissioners was, "how not to do it." Mr. Bowyer was at a loss to account for the failure, looking to what had been accomplished by commissions in ancient Rome, and in France, under Napoleon I. Mr. Locke King thought it would be an advantage if the present commission were "entirely annihilated." Sir Fitzroy Kelly, of course, was an exception. He is reported to have spoken of abortive attempts without number to codify our statutes (of which nobody else ever heard); and to have said that if the recommendation of the commissioners had been adopted, the work might have been accomplished in three years. Everybody who has read his speech has asked, no doubt, as we now do, what recommendation of the Commissioners is here alluded to? A recommendation, when made, and where, and to whom? What prevented the commissioners from carrying out such recommendation? Was it want of money, of time, or of opportunity? Were not the powers of the commission large enough, or was it that the commissioners were not allowed to spend money enough? Perhaps Mr. B. Ker may assist Sir F. Kelly to answer these questions the next time he appears as the apologist of the Statute Law Commission.

Meanwhile, we shall be glad to learn what Sir R. Bethell's project is for the constitution of the ministry of justice. The difficulty in all these cases arises when we come to put our theories into practice. Is the proposed minister of justice to be an independent officer, having a seat in the cabinet? Is he to be a member of the House of Commons or a peer, or may he be either? It has been proposed that it should be so contrived that the Home Secretary or the Lord Chancellor should, in fact, be armed with the powers necessary to act as a minister of justice. Sir R. Bethell appears to be open to adopt either suggestion; or even that other scheme which would provide a Board of Justice, like the Board of Trade, with its president and vice-president. Whatever shape the project may assume, we hope that the present Government may be able, in their time, to establish a department of state solely charged with, and responsible for, the administration of civil and criminal justice throughout the country.

British Museum.—The accounts of the British Museum for the past, and the estimates for the coming year, are issued in return to a motion by Lord John Russell. The total cost of this admirably managed establishment for the financial year ending 31st of March, 1859, was no more than £73,500, while the total income, including the balance from the previous year, was £98,741. The salaries for the year amounted to £35,004; house expenses to £3,253; purchases and acquisitions, £19,330; bookbinding, cabinet, &c., £13,116; printing catalogues, making casts, &c., £1,717; miscellaneous, £81; printing cuneiform inscriptions, £496. The grants from which these expenses were to be defrayed amounted to £80,575. The estimates for the coming year amount to £74,425. The return includes a report of the progress made in the various departments of the Museum, and some statistical information in connection with the same subject. In the year 1858 the number of visitors, not including readers, was 519,566. This number, though exceeded by those for 1857 and 1853, was greater than that for any other recent year. The number of readers who attend the Museum has increased immensely since the new room has been opened. While in old times the number used to be about 55,000 generally, in 1858 it was 122,106. The number of artists who visited the art galleries was less during the last than in any recent year—viz., 2,552, while in 1853 it was 6,518. In the admirably managed department of printed books, under the control of Mr. J. Winter Jones, the number of volumes added to the library—comprising 200 received under the International Copyright Treaty—amounts to 39,152, including music, maps, and newspapers, of which 1,339 were presented, 24,968 purchased, and 5,845 acquired by copyright. A Guide to the Books exhibited in the Grenville and King's Libraries has been prepared and printed, and a list of the books forming the library of reference in the Reading-room has also been prepared, and a considerable portion of it printed. A Hand Catalogue has also been prepared for the same library of reference, by which the books on the shelves are examined every morning, and the unauthorised removal of any volume immediately detected.

The Courts, Appointments, Vacancies, &c.

COURT OF CHANCERY.

(Before the LORD CHANCELLOR and the LORDS JUSTICES OF APPEAL.)

Schofield v. *Templer.—June* 25.

This was an appeal from a decree of Vice-Chancellor Wood. The short facts of the case were, that in the years 1850 and 1851 the plaintiff, a solicitor at Leeds, was engaged in various money transactions with a person named Bell, and received as security certain joint promissory notes of Bell and the defendant, Charles Copland Templer. In the year 1851 the plaintiff was induced by the defendant to take an assignment of an alleged mortgage as security for his debt, and to strike the defendant's name out of the other securities he held. It turned out that the mortgage was a pure fiction, created by Bell in order to deceive both the plaintiff and the defendant, it being admitted that, although the defendant recommended the security to the plaintiff, he was entirely ignorant of the fraud of Bell. Subsequently Bell absconded to Australia, and the plaintiff then discovered the trick which had been played upon him. After waiting some time, on account of the circumstances of the defendant, the plaintiff instituted the present suit to set aside the release he had given to the defendant, and to restore him to the position of surety for Bell, as he was at the time the fictitious assignment was made. The Vice-Chancellor granted the relief sought for by the bill, and the present appeal was the consequence.

The LORD CHANCELLOR delivered judgment, affirming the decision of the Court below. The only answer to the case made by the bill was the release given by the plaintiff to the defendant. Now, this release had been obtained from the plaintiff solely upon the consideration of the assignment of the mortgage, and as that supposed security turned out a complete fraud the release was attempted to be supported without any consideration whatever. Acquitting the defendant of all participation in, or even knowledge of, the fraud of Bell, at the same time he (the Lord Chancellor) could not say that the defendant was entitled to claim any benefit from the fraud which he had innocently passed upon the plaintiff. With respect to the delay in instituting the suit, it appeared that it had been mainly caused by the request of the defendant, and out of indulgence to him, and therefore he was not in a situation to avail himself of any such defence. Upon the only other point in the case—namely, that the decree was prejudicial to certain friends of the defendant, who had come forward to assist him,—he (the Lord Chancellor) thought the decree ought to be varied so as to make it without prejudice to those parties, and

The LORDS JUSTICES concurred.

ROLLS COURT.

The Bank of London v. *Tyrrell.—June* 30.

Sir JOHN ROMILLY proceeded this morning to give judgment. It appeared that Mr. Tyrrell, who is a solicitor, was one of the founders, in connection with Mr. Benjamin Scott, the Chamberlain, of the Bank of London. As soon as the scheme was conceived, and some few preliminaries arranged, Mr. Tyrrell applied to Sir John Shelley, Bart., M.P. for Westminster, to become the chairman. To this proposition the hon. baronet appeared to have had no objection, for he at once accepted the proposition, and was asked to name another director. Proposals were put out for the formation of the company, and it soon appeared that it would prove a well-supported and successful undertaking. Mr. Tyrrell had at the outset acted in the capacity of solicitor to the company, and when it was legally formed he was appointed in due course, all the acts he had done in his individual capacity having been confirmed by an entry to that effect made in the books of the bank. Prior to this a Mr. Reed had been a party with other "adventurers" to the purchase of the Hall of Commerce in Threadneedle-street, and when the bank was formed Mr. Tyrrell induced the company to purchase it, he having previously secured a heavy interest on it in connexion with Reed, thus making a large profit of it when the bank took it off their hands. Reed kept the matter secret, and the bank had no knowledge that Mr. Tyrrell was making any profit out of the transaction, but when they discovered what had been done, they called upon him to refund on the ground that he was their agent, and had no right to make such a profit. Mr. Tyrrell denied the agency on the ground that he could not be an agent to a non-existing company, which was the fact when he entered into the negotiations for the purchase of the property with Reed. The learned judge held that Reed would never have relinquished certain rights he had in favour of Tyrrell had it not been that Tyrrell was the legal adviser of the bank, and would induce that company to take the premises off their hands, enabling both of them to reap a large profit. He held that as this was the case, and that as Tyrrell was clearly the agent of the bank, he must account to the company for all the money he had received in connection with the Hall of Commerce over and above that which he could legally charge as their solicitor, and he must make an order to that effect. With regard to the unsold part of the property he would make an order against Tyrrell for that also if the directors of the bank required it, but perhaps the bank would not insist upon that considering the circumstances of the case.

Sir H. M. CAIRNS said he would consult with his clients and mention the matter another day.

Sir J. ROMILLY said that of course the directors of the Bank of London must be paid their costs.

COURT OF QUEEN'S BENCH.—*June* 27.

Sir Alexander Edward Cockburn took his seat on the bench this day for the first time as Lord Chief Justice of this Court.

June 29.

Mr. Justice Colin Blackburn took his seat in the Court of Queen's Bench in Guildhall this morning, and disposed of several cases.

COURT OF BANKRUPTCY.

(Before Mr. Commissioner GOULBURN.)

Re Ingham.—June 27.

The bankrupt was a grocer, of High Holborn, who had been convicted at the Central Criminal Court of falsifying his books, with intent to deceive this Court. Judgment was reserved until a point of law had been decided. At the outset of the proceedings, one of the assignees expressed his unwillingness to join in the prosecution, which was instituted by order of the Court, and a rule was issued, calling upon him to show cause why he should not be removed from his office of assignee. The matter was adjourned for a month, to ascertain the result of the trial.

His HONOUR now discharged the rule without costs.

THE LATE CHIEF JUSTICE OF THE COMMON PLEAS.—A barrister thus writes to the *Morning Post*:—"Your remarks on the appointment of the new Chief Justice of England have commanded the cordial consent and approval of the profession. Permit me to confirm them by a fact. During the whole time—nearly three years—that Sir Alexander Cockburn has presided over the Common Pleas, not a single judgment of that Court has been reversed on error, and not a single new trial has been granted on the ground of misdirection by the chief."

THE MAYORALTY—EXPENSES OF FESTIVAL, NOVEMBER 9, 1858.—Lord Mayor Wire came to the civic throne amid expectations of no ordinary kind, and, as far as concerns his expenditure in the mayoralty festival, he endeavoured to be equal to them. The gross total of the cost of the festivities was 2,561*l.* 10*s.* 8*d.*, of which Messrs. Staples received for dinner and wines, £1,575. The grand total was arranged for payment as follows:—Lord Mayor, 1,180*l.* 15*s.* 4*d.*; Sheriffs, each 590*l.* 7*s.* 8*d.*; City Lands Committee, £200. The last-named sum is regularly voted for Lord Mayor's day, and is the only expense incurred by the Corporation for the most renowned of its festivities.—*City Press.*

THE WHITECHAPEL COUNTY COURT.—On Monday morning the new Whitechapel County Court, situated in Great Prescott-street, Goodman's-fields, was opened for the transaction of general business. The body of the court is large and commodious, and well adapted for the convenience of suitors.

The Lord Chancellor has appointed Colin Blackburn, Esq. of the Northern Circuit, to the puisne judgeship of the Court of Queen's Bench, vacant by the elevation of Mr. Justice Erle to the Chief Justiceship of the Court of Common Pleas.

The Queen has been pleased to confer the honour of knighthood upon Stephenson Villiers Surtees, Esq., Chief Justice of the Island of Mauritius.

Sir Alexander Cockburn gave a grand ball at Willis's-rooms, on Tuesday night. Between 800 and 900 members of the fashionable world were present. The fête was kept up with great spirit until a very late hour, and passed off most brilliantly.

Notes on Recent Decisions in Chancery.

(By Martin Ware, Esq., *Barrister-at-Law.*)

Joint Stock Bank—Contributory—Married Woman.

Ex parte Rhodes, 7 W. R., V. C. K., 510.

This case involved the question of the rights and liabilities of a married woman and her husband when the married woman has shares in a joint stock company. The Northumberland and Durham District Banking Company was being wound up under the Act, and Mr. & Mrs. Rhodes were placed by the Chief Clerk upon the list of contributories. The deed of settlement of the company contained a clause providing that the husband of a female shareholder should not be a member of the company in respect of the shares which should be vested in him in that capacity, but should be at liberty either to sell the shares, or to come in and be admitted a member in a manner provided by the settlement. But no provision was made for a married woman being a member, even with the assent of her husband, or when the shares were settled to her separate use; so that if her husband neither sold the shares, nor came in and got himself admitted a member, the shares remained, as it were, in abeyance. In the present case the directors had allowed shares to be transferred to Mrs. Rhodes while she was under coverture. This was done with the assent of her husband, and the shares appeared to have belonged to her for her separate use; but the Court held that the mere assent of the husband was of no moment, and that neither she nor her husband were members, and their names were struck off the list of contributories.

Unclaimed Dividends—Re-transfer to Claimant.

Ex parte Bouts, 7 W. R., V. C. S., 512.

By the 56 Geo. 3, c. 60, s. 1, where dividends on stock have not been claimed for ten years, the stock is to be carried over to the account of the Commissioners for the Reduction of the National Debt. By s. 5, the Bank of England may direct a re-transfer of such stock to any claimant showing his title, and payment of the dividend due thereon; or if the Bank be not satisfied of the justice or legality of the claim, the claimant may apply by petition to the Court of Chancery, and the Court may make such order for the transfer of the stock and payment of the dividends due thereon, or otherwise relating thereto, and to the costs, as shall be just. The 8 & 9 Vict. c. 62, makes some further provisions on the same subject. Under these Acts the question has more than once arisen, as to what kind of title a claimant is expected to make in order to recover stock which has been transferred to the commissioners. In *Ex parte Ram* (3 My. & C. 25), it was contended by a claimant that it was sufficient if he showed a *legal* title: that such title would have been sufficient if the stock had remained in the Bank untransferred, and that the fact of its having been carried over to the commissioners made no difference. Lord Cottenham, however, was of a different opinion, and held that whatever might be the practice of the Bank in ordinary cases, the governors had a right, after the stock had been transferred, to refuse to retransfer it to the legal owner, if they felt any doubt of the justice of his claim; and if the matter was brought before the Court of Chancery, the Court must consider who was beneficially interested.

It appears, however, from the present case, that the Court will only require a *prima facie* title to the beneficial interest. In 1806, Mrs. Bouts, who was a widow, purchased a sum of stock, and placed it in the names of herself, her infant son, and her brother. Mrs. Bouts died in 1821, and her brother in 1838, since which time no dividends had been received. There was no satisfactory evidence for what purpose the stock was invested, but it seemed probable that it was for the benefit of the son who survived, and was the present petitioner. The Court therefore ordered the money to be transferred to him.

Mortgage—Priority—Tacking—Notice of Trust.

Bates v. *Johnson*, 7 W. R., V. C. W., 512.

A principle was involved in this case analogous to the known principle of tacking, whereby a first mortgagee may be paid off by, and transfer his legal estate to, a third mortgagee, and enable him to "squeeze out" a second mortgagee, provided the third have no notice of the second at the time of the original advance of his money. In the present case, the owner of land, previous to his marriage, entered into a covenant, to settle his estate upon himself and his wife during their respective lives, with remainder to the issue of the marriage. He never executed any settlement, and subsequently mortgaged the estate to three successive mortgagees, from all of whom he concealed the trust to which the estate was subject. A bill was filed by the issue of the marriage, offering to redeem the first mortgagee (who had the legal estate, and whose claim, therefore, the plaintiffs could not withstand), but claiming to hold the estate discharged from the subsequent incumbrances. While the suit was still pending, the third mortgagee paid off the first and second mortgagees, and took a conveyance of the legal estate from the first; and he then claimed to hold the estate till all three mortgage debts had been paid off. The Vice-Chancellor was of opinion that this claim must be allowed.

It was decided in the well-known case of *Peacock* v. *Burt* (Coote on Mortgages, 569), and is now the settled doctrine of the Court, that a third mortgagee, having advanced his money and taken his security, without notice of a second, is at liberty, by paying off the first, and taking a conveyance of the legal estate from him, to squeeze out the intermediate incumbrancer. So that, if a second and third mortgagee are both equally desirous of redeeming the first, the first has it in his power, if he be so minded, to give the preference to which of the two he pleases. The present case, even though it may not actually have extended the doctrine still further, is certainly a strong instance of its application. It was attempted to distinguish it from former cases by the circumstance that the interest defeated or "squeezed out" was not an incumbrance posterior in time to the first mortgage, but a covenant running with the land, or at least a prior trust, which, although it could not affect the security of the first mortgagee, as a purchaser of the legal estate without notice, yet would affect his conscience as soon as he became aware of it, so far as to prevent him from assisting a puisne incumbrancer in defeating it. It was argued that the first mortgagee, in fact, held the estate, subject to his own mortgage, on the trust of the marriage settlement. The Vice-Chancellor, however, held that the first mortgagee was not affected with any trust, and was at liberty to convey his legal estate to any puisne incumbrancer who had advanced his money without notice of the settlement, even though the assignment was not made till after the commencement of the suit for settling the priorities.

It is to be remarked, however, that this doctrine only applies to *unsatisfied* mortgages. If the holder of the legal estate had been a mortgagee whose debt had been previously satisfied, and who therefore held the legal estate as trustee for the mortgagor, he would not have been at liberty any more than any other dry trustee to convey that estate to a third party, so as to give such third party a security which could only be acquired by a breach of trust on his part.

Notes on Recent Cases at Common Law.

(By James Stephen, Esq., *Barrister-at-Law, Editor of "Lush's Common Law Practice," &c., &c.*)

Action for not accepting Goods—Appeal under 17 & 18 Vict. c. 125, s. 41.

Levy v. *Green*, 7 W. R., Exch. C., 486.

This case supplies information on two points—one of law, the other of practice. The first is with reference to the sale of goods; and shows that in order to sustain an action for not accepting goods; the goods ordered must have been *unconditionally* tendered to the defendant, and not mixed up with others he did not order. In other words, the law in such a case throws on the vendor, and not on the purchaser, the onus of separating the superfluous articles; and holds that should the purchaser take upon himself to make the selection, he takes also on himself a liability for the whole. *Dixon* v. *Fletcher* (3 Mee. & W. 146), *Hart* v. *Mills* (15 Mee. & W. 85), *Cunliffe* v. *Harrison* (6 Exch. 903), are authorities for this doctrine. And the Exchequer Chamber accordingly reversed the judgment of the Queen's Bench, which, in its effect (the judges being divided on a rule to enter a nonsuit) had supported a verdict obtained by the plaintiff at the trial, which had taken place before the under sheriff on a writ of trial directed to the sheriff. (See Chitty on Contracts, by Russell, p. 629.)

The point of practice was as follows. Prior to the Common Law Procedure Act, 1854, if leave was reserved to the party ruled against at the trial, to move the Court in banc to set aside the nonsuit or verdict, as the case might be, and to enter the judgment for himself, and the Court in banc were of the same opinion with regard to the law of the case as the judge before whom the trial was had, the party decided against was con-

cluded by such decision, and could not carry the case (no error appearing on the record) before a Court of Error. By that Act, however, this inconvenience was remedied, and now "in all cases" of rules to enter a verdict or nonsuit upon a point reserved at the trial, if the rule to show cause be refused, or granted, and then discharged or made absolute, the party decided against may appeal. In the present case (the trial having been before the sheriff), it was objected that this provision did not apply, it being inconsistent with the object of the statute respecting trials before the sheriff (3 & 4 Will. 4, c. 42) to allow an appeal in cases directed to be disposed of in that manner; which was established for the purpose of avoiding expense and delay in actions for small debts. The Court, however, overruled this objection without even calling on the other side to refute it. And they gave the appellant (the defendant) costs, though two of the judges thought they ought not to be given. See 17 & 18 Vict. c. 125, s. 42, giving the Court of Appeal power "to adjudge the payment of costs and to order restitution."

COSTS OF INSPECTION, AND OF APPLICATION TO BE ALLOWED TO INSPECT.

Shilwell v. *Ruck*, 7 W. R., Exch., 488.

The detention of the defendant in this action in the asylum of the plaintiff, has been the cause of considerable litigation. In addition to the original investigation before the commissioners, Mr. Ruck has recently obtained damages for his illegal imprisonment; and the present is a cross action by the keeper of the house, to recover the expenses he was put to in providing for the defendant's maintenance during the time he stayed therein. In both of these cross actions, a point arose as to inspection; Mr. Ruck having, in the action in which he was plaintiff, obtained an order from a judge at chambers for inspecting the books of the asylum, and "that the costs of inspection and application be defendant's costs in the cause." A question now arose, in the action in which Mr. Ruck was defendant, as to who should pay for the motion to make absolute the rule nisi which had been obtained by him for inspection. And the attention of the Court was directed to a passage in Mr. Gray's book on costs (p. 364), to the effect that the costs of *inspection* of documents under the 14 & 15 Vict. c. 99, s. 6, must be borne by the party seeking the inspection, but that the costs of the *application* are to be costs in the cause. The Court, however, after consulting the Master, said, there was no such rule, and that both the costs of the inspection and of the application were to be defendant's costs in the cause.

PRACTICE.—COMMON LAW PROCEDURE ACT, 1854.—17 & 18 VICT. C. 125, SS. 68—77

Ward and another v. *Lowndes*, 7 W. R., Q. B., 489.

This was a case involving the proper construction of the "mandamus" clauses of the Common Law Procedure Act, 1854—provisions which were inserted in compliance with the recommendation of the Common Law Commissioners, in order to improve and extend the then existing practice on the *prerogative* writ of that name; in such manner as to enable *any* of the courts of law (and not merely, as theretofore, the Queen's Bench) to direct a duty to be performed, for the neglect of which no sufficient remedy would be afforded by an action for damages on the application of any party beneficially interested in the performance of that duty. In the present case the action was brought against certain commissioners indebted to the plaintiffs, as architects, for work and labour done and provided in respect of improvements made under a private Act; and in the declaration was inserted under the provisions of the Common Law Procedure Act above referred to, a claim for a mandamus commanding the commissioners to levy a rate for the purpose of discharging the debt due to the plaintiffs. The question which the Court ultimately had to determine was, whether these provisions as to mandamus were applicable to a debt, which was not only disputed by the defendants, but had not even been specifically claimed by the plaintiffs in their writ. The plaintiffs' argument as to this was, that they asked for the debt "due" to them, which was from the nature of the case as specific a claim as could be made. The insertion of a mere nominal sum would have been useless; and they had no means of ascertaining what the precise sum was for which the rate should issue, as that depended upon the deficiency of the local funds in the hands of the defendants—a matter peculiarly within their own knowledge. The Court held, that if a sum certain must be inserted in the claim for a mandamus, not binding on the jury, but as a matter of form (the necessity for which they much doubted), that was an objection that could easily be got over by amending the declaration then before them; and as to the general question, they were of opinion that the object of the Legislature, in passing the provisions in question was to enable a party who would have been obliged, after having recovered in an action, to resort to a mandamus to enforce his judgment—to apply for a mandamus in the same proceeding as that by which the amount of debt is ascertained and thus to avoid the former double process. They accordingly allowed the claim, and gave judgment for the plaintiff.

Parliament and Legislation.

HOUSE OF LORDS.

June 27.

APPEALS.

Lord Campbell took his seat, for the first time since his promotion, this morning on the woolsack as Lord Chancellor. The other noble and learned peers present were Lord Brougham, Lord Cranworth, Lord Wensleydale, and Lord Chelmsford.

The LORD CHANCELLOR announced at the sitting of the House that their Lordships would sit five days in the week for judicial business, with the exception of the present week.

Lord BROUGHAM said, he was very glad to hear it. He wished that some arrangement might be made so that the juniors as well as their leaders might be present to argue cases.

Thursday, June 30th.

Lord CHELMSFORD gave notice that he would, on Thursday next, call the attention of the House to the state of the Divorce Court, with a view to consider whether any Legislative measure might be introduced for its improvement.

Lord LYNDHURST gave notice that, on Friday next, he would move for a select committee to inquire into the mode of taking evidence in the Court of Chancery, and the effect of that mode.

HOUSE OF COMMONS.

Thursday, June 30th.

BILLS READ A FIRST TIME.

CRIMINAL PROCEDURE.—Bill to consolidate, assimilate, and amend the statute law of England and Ireland with respect to the Administration of Justice in Criminal Cases.

PUBLIC JUSTICE OFFENCES.—Bill to consolidate and amend the statute law of England and Ireland relating to Offences against Public Justice.

MALICIOUS INJURIES.—Bill to consolidate and amend the statute law of England and Ireland relating to Malicious Injuries to Property.

COINAGE OFFENCES.—Bill to consolidate and amend the statute law of the United Kingdom relating to the coin.

PERSONATION.—Bill to consolidate and amend the laws relating to Personation.

FORGERY.—Bill to consolidate and amend the law relating to Forgery.

OFFENCES AGAINST THE PERSON.—Bill to consolidate and amend the Statute Law of England and Ireland, relating to offences against the person.

LARCENY, &c.—Bill to consolidate and amend the statute law of England and Ireland relating to Larceny, and other similar offences.

CRIMINAL WRITINGS.—Bill to consolidate the statute law of England and Ireland relating to libellous and threatening writings.

PUNISHMENT.—Bill to consolidate and amend the statute law relating to the Punishment of Offenders.

OATHS, &c.—Bill to consolidate and amend the statute law of England and Ireland relating to Oaths, Affirmations, Declarations and Offences, connected therewith.

The above eleven Bills were brought in by Mr. Whiteside, Sir Fitzroy Kelly, and Mr. Walpole, and will be read a second time on Thursday, the 14th inst.

LAW OF PROPERTY AND TRUSTEES RELIEF AMENDMENT BILL.—To be read a second time on Monday next.

NOTICES OF MOTION.

Mr. LOWE.—PUBLIC HEALTH.—Bill to make perpetual the Public Health Act of 1858. *Friday, 8th July.*

APPEAL IN CRIMINAL CASES.—Mr. M'Mahon, Mr. Butt, and Mr. Hadfield, have brought in a bill to secure the right of appeal in criminal cases. The Court of Queen's Bench is empowered to grant a writ of certiorari *after* the trial of a criminal

case, with a view to a new trial, in the same way that it now removes cases *before* trial. The Court of Queen's Bench, supposing the rule nisi for a new trial to be made absolute, will have the same jurisdiction on the new trial as if no former trial had been had. The appeal to the superior court at Westminster will not interfere with the sentence passed upon the supposed criminal, except in sentences of death and transportation. Other sentences will remain in force *pro tem.* The issue of a new rule nisi for a new trial will be sufficient to stop the execution of a sentence of death, so that the appeal, if it do nothing else, will secure a short respite to the prisoner. In very clear cases, the Court of Queen's Bench may enter a verdict of acquittal upon the record at once, without waiting for a jury to return a verdict of "Not Guilty." A further appeal would be by writ of error to the Court of Exchequer Chamber and the House of Lords. The bill awaits a second reading by the House of Commons.

Church Rates.—Lord Portman and the Duke of Marlborough have given notice of their intention to call the attention of the House of Peers to the question of church-rates. Lord Portman merely announces that he will call attention to the law of church-rates, &c.; but the Duke of Marlborough goes further, and intimates that he will move for the appointment of a select committee to inquire into the present operation of the law and practice respecting the assessment and levy of church-rates.

Communications, Correspondence, and Extracts.

INSPECTION OF WILLS IN DOCTORS' COMMONS.

To the Editor of The Solicitors' Journal & Weekly Reporter.

Sir,—A few days since, I had occasion to inspect a will at Doctors' Commons, containing some hundreds of folios; and, in consequence of the number and variety of its provisions, presenting no ordinary amount of difficulty. As I perused it, I made a few notes of its leading points, to assist me, whilst endeavouring to elucidate its provisions. I had not gone very far when one of the gentlemen in attendance stepped up, and said, "they could not allow anything to be copied but the names of the executors, and the date of probate;" of course, under these circumstances, I was obliged to destroy my notes, and do the best I could without them.

Now, I do not blame the gentlemen there, doubtless, they only fulfilled their instructions, and were merely performing their duty; but I do blame the regulation itself, and the narrow-minded policy which has dictated it. It is almost a matter of impossibility, when a will is of any great length, to carry away a clear idea of its provisions in your head, without a few notes to guide you; the manner, too, in which the documents are copied renders their perusal much more difficult than it might be. Every one knows that the reason why the commencement of any recital, covenant, proviso, &c., in a deed, is written large, is for the convenience of reference; now, at the will-office, they make scarcely any distinction, and if you are desirous of referring back to some particular part, you may look for a long time before you find it. It would almost appear that the object of all these restrictions is to compel people to order a copy of the documents they are interested in; but then, again, the charges are most exorbitant, viz. 1s. a folio for the first five folios, and 9d. a folio for the remainder. Now this, I think, is at least double what it ought to be; at the Chancery-offices you only pay 4d. a folio, and why should it be so much more here? I presume, the office was opened for the convenience of the profession, and of the public generally—why then are its operations hampered by these useless restrictions and unreasonable charges? It is absurd to suppose that the short notes any one would take there can injure their copying business, and the question really seems to be, is this office opened pro bono publico, or is it only for the purpose of imposing a fresh tax on that long-suffering body? If the former be the case, they cannot refuse to mitigate, or abrogate, their rules on these subjects; if the latter, they certainly have shown no want of zeal in carrying out their instructions. I wish it distinctly to be understood that I do not blame the attendants, on the contrary, I am bound to say, they behave most courteously; it is the system I would censure.

I propose that when a will is over a certain number of folios (say twenty) in length, the person inspecting the same should be at liberty to take short notes of its contents. That the commencement of each fresh proviso, declaration, &c., should be written in text hand, or so much larger than the remainder as would render it conspicuous, and easy of reference, and that the charge for copies should not exceed 4d. a folio. It would also be a great convenience if, now they will not take money in payment, an office were established, in the search-room, for the sale of stamps, as at the Record and Writ Clerks, Chancery-lane.

I make no apology for thus addressing you, as you have proved yourself always most anxious to assist us in every way, and I have no doubt you will agree with me, that a little reform in this branch of our profession will do no harm.—Your obedient servant,

G. J. S.

MR. CHISHOLM ANSTEY AND THE HONG KONG GOVERNMENT.

(From the *Birmingham Journal.*)

A very remarkable pamphlet has just been published, which in the absence of the official papers that Mr. E. James was prevented from obtaining by the pre-arranged count out the evening of the intended motion, serves to bring into light those strange events that have transpired in Hong Kong, and some account of which had already reached this country. The well-known Mr. Chisholm Anstey, once member for Youghal, is the author of the pamphlet referred to, having been appointed in 1855 to the attorney-generalship of Hong Kong. The executive of that colony consisted of Sir John Bowring, the governor; Colonel Caine, lieutenant-governor; the Commander of the Forces, a post held successively by Colonel Graham, Brigadier Garrett, General Ashburnham, and General Straubenzee; and Dr. Bridges (an attorney, whose clients were chiefly Chinese), colonial secretary. Mr. Anstey arrived in Hong Kong in January, 1856; in August last he was suspended from his functions, and he left the colony at the commencement of the present year. Though aware of much mal-administration, it was only after his suspension that he became acquainted with the grounds upon which particular charges had been made against Dr. Bridges and Colonel Caine. In the years 1846-7, the office of registrar of deeds at the Land Office was held by Mr. Tarrant, whose duties were to see that the fees were duly paid, and that no fraud was practised by applicants for registration. A case of attempted fraud, by personation, occurred, coupled with extortion under colour of fees payable to Colonel Caine, colonial secretary. It was represented that the prime criminal was the comprador of the colonel, and very much in his confidence; and that the man had asserted that he had Colonel Caine's authority for what he did, and that the money was really levied by him for the colonial secretary. Colonel Caine slighted the implication; and after an ineffectual attempt to silence Mr. Tarrant, by reprimanding him for an excess of duty, he instituted proceedings against him on the charge of conspiring with certain Chinese to make a false accusation, and at the same time suspended him from his office.

On an appeal to Earl Grey, then Secretary for the Colonies, Mr. Tarrant was ordered to be reinstated, and to receive the arrears of salary which had accrued since his suspension. In the meantime, however, the office had been abolished, and Mr. Tarrant was neither restored nor compensated. He could not even obtain a trial, and the proceedings were kept hanging over his head more than ten years, on the ground of the absence of Colonel Caine's comprador from Hong Kong, though it was shown that the allegation of his absence was untrue. When this plea could avail no longer, the trial was delayed by the suspension of the Chief-Justice, on a charge mainly supported by Colonel Caine, and recognised as false the moment it reached Downing-street. Mr. Anstey thus states the discoveries to which these proceedings led: "One of the extortions was alleged to have been practised on a market lessee. The man had mortgaged his lease deeply, and got into trouble. Mr. Tarrant took an assignment of the mortgage, thereby entitling himself to the inspection of the lessee's books. He turned to the date of the alleged extortion. It was said to have amounted to the large sum of 1,600 dollars. Under that date there was an entry in Chinese for 'duty money' paid to 'Kanna Kane' (Colonel Caine) of 200 dollars. But, within seven days, there were as many more, each of the same sum, each for 'duty money,' each to 'Kanna Kane;' in all, 1,600 dollars." Mr. Tarrant published his discoveries in the *Friend of China*, of which he had become editor, and he republished them nine years later. But on both occasions Colonel Caine remained passive, and the result of representations made after the second publication to the Colonial Office remains unknown. The official correspondence

relating to these proceedings was among the papers included in Mr. James's notice of motion.

As to how far Colonel Caine was really culpable in this matter, Mr. Anstey gives no opinion; but he states that he was informed by the superintendent of police, Mr. May, that a certain Mr. Caldwell, who had been elevated from the lower grade of the police department to the commission of the peace, had observed, in reference to Colonel Caine's alleged opposition to his appointment, that he did not fear his ill-will, as he had the colonel in his power, being the only person left who could ruin him by revealing what he knew of "that old affair of his."

The character of Mr. Caldwell, and his connection with the notorious Mah Chow Wong, and other Chinese of disrepute, were well known in Hong Kong, and might well have justified the hostility of Colonel Caine to the appointment of such a man to the magistracy. They came out on the trial of Mah Chow Wong for piracy in 1857. This man had been originally a stable boy, and afterwards a petty shopkeeper, but when arrested was a wealthy merchant and shipowner at Hong Kong. It will scarcely be credited that Mr. Caldwell, though a magistrate, found bail for the accused, his own servant being recommended, and on that recommendation accepted as the pirate's bondsman; that he instructed his own attorney to appear for him, and assisted in the preparation of his defence. The surprise which such proceedings are calculated to create disappears when we learn that the pirate's books contained numerous entries showing Mr. Caldwell's participation in his secret business and profits—entries of moneys received from him—of moneys paid or payable to him—of arms and ammunition supplied by or through him—and of the transactions of the now confessed partnership in lorchas. Mah Chow Wong was convicted and sentenced to fourteen years' transportation. The connection of Mr. Caldwell with the criminal was so well established, notwithstanding the suspicious circumstance of the destruction of many documents whilst in the custody of the authorities, that Mr. Anstey resigned his justiceship, and memorialised the Home Government on the subject.

When matters had been made safe and pleasant by the destruction of the papers, Sir J. Bowring ordered an inquiry into the charges which were preferred against Mr. Caldwell. These were, in addition to that of complicity in the nefarious deeds of Mah Chow Wong, and participation in the profits of piracy, that he had a pecuniary interest in several houses of ill fame; that he had allowed his wife (a Chinese woman, whom he had married from a brothel, and whose sister kept a similar house), to take bribes; and that he was a member of a secret society, of which Mah Chow Wong was the chief. In the absence of the destroyed papers, the commissioners reported that these charges were only proved so far as rested upon the partnership of Mr. Caldwell with the pirate in one lorcha, and the intimacy between them, and between the former and the woman said to be Mrs. Caldwell's sister, but which affinity was held to be not proved. For stating that the principal charge had broken down solely through a trick on the part of the Hong Kong Government, Mr. Tarrant was prosecuted for a *sedition* libel (thereby shutting the door against rebutting evidence in the ordinary way admitted in actions for all other kind of libels), but acquitted by a special jury of merchants and bankers. Of the three witnesses called by the Crown, the principal one, Dr. Bridges, was contradicted on material points by the other two—Mr. Cleverly, the surveyor-general, and Mr. Morgan, the assistant-Chinese secretary; and also by himself, and that on matters of fact within his own knowledge. Mr. Tarrant, in publishing to his readers the victory he had gained over the Government, distinctly charged Dr. Bridges with perjury, assigned the particulars of his charge, and invited a new prosecution of himself for making it. Dr. Bridges having neither prosecuted Mr. Tarrant, nor taken any measures at all for removing the serious imputations cast upon his character, what is the inference? Can we wonder that his quiescence under such a charge, preferred in the columns of a newspaper, by a man of integrity and honour, has made the worst possible impression, as Mr. Anstey states, upon every one in the community? And what are we to think when we find that Sir J. Bowring, disregarding this impression, has confided to the man upon whom such stigma rests the responsible duty of *locus tenens* to the acting attorney-general in the Supreme Court of Hong Kong? The revelations of Mr. Anstey, new to the majority of people of this country, though needless in the colony, are calculated to create the most painful surmises; and though Mr. James has failed for the present in procuring the publication, by order of the House of Commons, of the papers relating to them, it is to be hoped, not merely for the honour and dignity of Great Britain, but for the sake of the first principles of justice, that the subject will not be allowed to rest where it is.

MR. TIDD PRATT ON FRIENDLY SOCIETIES.

On Wednesday, the 22nd ult., Mr. J. Tidd Pratt, Registrar of Friendly Societies, delivered a lecture on "Friendly Societies," in the school-room of St. George's, Hanover-square, London; the Rev. H. Howarth, B.D., occupied the chair. Mr. Pratt commenced his lecture by mentioning the interest that was taken in friendly societies, and the gradual advancement which had taken place in relation to them. The best proof of advancing knowledge among the people of this country was, the disposition which they evinced to make provision for themselves and their families in sickness and old age. The extensive establishment of benefit societies would result in greatly reducing poor rates; but the moral influence of the people themselves would result in effects still more beneficial. The lecturer, having dwelt on the benefits of friendly societies, went on to remark on their rise. It was not till 1793 that the first Act was passed for the regulation of them. Several statutes were passed on the same subject, but they were all repealed by the 18 & 19 Vict. c. 63, under which Act they were at the present time carried on. Having touched on medical attendance, he proceeded to remark on the support of members in old age. He thought that increased attention to this matter was most desirable. A weekly or monthly allowance to support members in old age must be beneficial to all, and especially to the working man. Sometimes, however, sufficient guarantee was not given for the payment of the money at old age. The best means for securing this was in Government Annuities for such members as desired to make provision for the period of life to which he had referred. In touching on the places of meeting for the societies, he remarked that the holding of meetings at public-houses caused the waste of an immense amount of money. This practice was not only injurious to the societies themselves, but also to the members, in leading them to intemperate habits. Since 1793, 20,000 benefit societies had been enrolled in England and Wales, which was at the rate of 400 a-year. Of these, 7,000 had ceased to exist, being at the average of 100 a-year, or two every week. This number was greatly on the increase; at present there were 20,000 societies, numbering 2,500,000 members in England and Wales. In order to insure success in the establishment of societies, he would recommend that they should insure medical attendance, allowance in sickness, endowments—a sum applicable at death—and a provision for the expense of management. The failure of many societies arose from the erroneous rates at which the contributions were calculated. The capital of societies now enrolled amounted to £10,000,000, and the annual payments for sickness, superannuation, and death money exceeded £1,500,000, a fact which proved that the working classes were not wanting in those habits of foresight, forethought, and prudence, so essentially necessary for their happiness. The lecture, which occupied over an hour, was listened to with much attention by a large audience. A vote of thanks having been passed to the lecturer, the meeting separated.

TESTIMONIAL TO MONS. BERRYER AND DUFAURE.

"Times Correspondent."

Scarcely six months have elapsed since the prosecution of Count de Montalembert, which, in the apparent stillness of the political atmosphere, then attracted for a while attention in every capital of Europe. Yet so important and so absorbing are the events which have filled up the interval, that it seems as if at least so many years have passed away. Montalembert, Berryer, and Dufaure, were names which were for a space in everybody's mouth, and the sympathy for the writer was equalled by admiration for the genius of the orators. Those who listened to that bold defence have not forgotten the lucidity, the irresistible logic, and the marvellous facility of the one, nor the impassioned, high toned, and spirit-stirring declamation of the other. Though more momentous topics now occupy the public attention, you will permit me to notice one more incident connected with that interesting episode in the career of those public men—an incident which honours the accused and his defenders.

M. Berryer and M. Dufaure declined to receive any remuneration for the professional services rendered to their distinguished client, probably on the ground that in defending him they once more defended the liberty of the press and of the subject—a labour of love with which in other times they

were familiar. M. de Montalembert, appreciating the delicacy of their conduct and the value of their services on that occasion, ordered two statues in silver to be made; one of Demosthenes, copied on a small scale from the statue in the Museum of the Vatican; the other of Aristides, on the model of that in the Museo Borbonico at Naples. The statue of Demosthenes is presented to M. Berryer; that of Aristides to M. Dufaure. The former bears the following inscription:—

Hanc antiqui Demosthenis effigiem
Demostheni nostro,
PETRO ANTONIO BERRYER,
quem patronum
ac ultorem
habuit
die XXI. Decembris, 1858,
Carolus, Comes de Montalembert.

"Quid si ipsum tonantem audivisses!"

These last words, spoken by Æschines after his banishment from Athens, were not more applicable to his great rival than to M. Berryer.

The words engraved on the statue of Aristides, presented to M. Dufaure, are—

Hanc prisci Aristidis effigiem
Aristidi nostro,
JULIO DUFAURE,
virtute et eloquentia præcellenti,
gratus obtulit ac dicavit
Carolus, Comes de Montalembert,
accusatione Majestatis
exsolutus ac vindicatus
die XXI. Decembris, MDCCCLVIII."

DECIMAL COINAGE.

The final report of the commissioners appointed to investigate this subject has at last been sent in. The document is published in the form of a blue book, the bulk of which consists of draughts or preliminary reports, and copies of documents put in in evidence, some of value, but the greater number partaking of the ordinary character of blue book appendices. The actual report consists of a statement of the reasons in consequence of which the commissioners have decided not to recommend any change in the existing coinage. The following are some of them:—That there appears to be no approach to unanimity of opinion, on the question of the introduction of decimal coinage, in the commercial or other classes of the community. That it is very difficult to come to any useful conclusion as to the merits of the decimal principle in the abstract, distinct and peculiar difficulties attending each separate form in which it has been proposed to introduce the decimal principle into the coinage of the country. That the pound and mil scheme is the only form in which, under the present state of public feeling in this country on the question, the introduction of the decimal principle into our coinage can be contemplated with any reasonable probability of sufficient support. That as regards paper calculations there appears to be a preponderance of advantage on the side of decimal coinage; but the extent of the superiority in that respect may be the subject of much difference of opinion. That as regards the comparative convenience of our present coinage and of the pound and mil scheme, for the reckonings of the shop and the market, and for mental calculations generally, the superiority rests with the present system, in consequence, principally, of the more convenient divisibility of 4, 12, and 20, as compared with 10, and the facility for a successive division by 2, that is, for repeated halving. That as regards the comparative convenience of the coins provided by the rival systems, the advantage appears to rest with our present coinage. That the advantages in calculation and account-keeping anticipated from a decimal coinage may, to a great extent, be obtained without any disturbance of our present coinage, by a more extensive adoption of the practice now in use at the National Debt Office, and in the principal assurance offices—viz. of reducing money to decimals, performing the required calculations in decimals, and then restoring the result to the present notation.

ARREST OF M. JULLIEN.—The well-known *chef d'orchestre* of London, has been arrested in Paris, for the non-payment of a bill of exchange given to a M. Chapelle; but, in order to obtain his release from prison, he had declared himself a bankrupt. Last week, M. Delepierre, who holds the bill of exchange, and who had opposed his discharge, applied to the Tribunal of Commerce to order the declaration of bankruptcy to be set aside, on the ground that M. Jullien had been naturalised an Englishman, and could not therefore enjoy the privileges of a Frenchman in a case of bankruptcy. Jullien, in reply, represented that as the letters of naturalisation he had obtained in England stipulated that he could be neither a member of Parliament nor a minister of the Crown, nor a grand dignitary of State, he could not be considered an English subject, but only as a denizen of England; that letters of full naturalisation in England can only be accorded by Parliament, whereas his had been given by a minister; and that having returned to France, he had recovered his French nationality. But the tribunal held that, having obtained all the rights and privileges of a British subject absent from certain restrictions, allowed by an Act of Parliament of 1832, and having taken the oath of submission and allegiance to the Queen of England, he was a naturalised Englishman, and consequently could not be declared a bankrupt in France. In consequence of this decision, an application made by Jullien to be set at liberty was rejected.—*Galignani.*

The Provinces.

BIRMINGHAM.—*Masters and Apprentices.*—At the quarter sessions, before Mr. Recorder Hill, Mr. Adams, instructed by Mr. A. Ryland, made an application to the Court, under the following circumstances:—Some time ago Messrs. Holliday & Lewis, of Warwick-house, New-street, received as an apprentice, under an indenture, and with a premium of £30, a youth named John Morrish Barnard. In March last Barnard absconded from his employ, and was understood to be now in Liverpool. Mr. Adams therefore applied, under 5 Eliz. c. 4, ss. 35 & 47, that a capias may be issued for the apprehension of Barnard. The premium being £30, excluded the jurisdiction of the magistrates in petty sessions, but the statutes which barred their jurisdiction did not repeal the statute of Elizabeth. The latter Act gave power to the Court of Quarter Sessions to punish absconding apprentices, and was the only remedy left in such cases, when the premium exceeded £25 10s. Mr. Adams quoted several cases which had been brought under the Act of Elizabeth, by which it had been decided that the apprentice may be brought to the quarter sessions without first going before a justice. Mr. Smith, as amicus curiæ, called attention to the case of East *v.* Pell (Meeson & Welsby), in which the late Baron Alderson had expressed a doubt as to whether the Act in question applied to such cases as the present one. The recorder took time to consider the point, and yesterday morning decided to issue the capias. He, at the same time, directed that it should not be acted upon immediately, and expressed a hope that the young man would, in the meanwhile, return to his place, and do his duty by his employers.—*Birmingham Post.*

BRISTOL COUNTY COURT.—*Brinkworth* v. *Ayre.*—The plaintiff is a shoemaker at Bath; and the defendant, Mr. John Ayre, jun., solicitor, of this city. The former sued the latter for the sum of £10, which he had paid to the defendant in November, 1858, to commence an action at common law, for the recovery of certain property in Chancery, and which action the defendant alleged the plaintiff had neglected and refused to commence. The defendant pleaded a set-off, and that he had a bill of costs against the plaintiff far above the amount sued for. The plaintiff being dissatisfied with his solicitor in Bath, Mr. Slack, who had been engaged for him in a Chancery suit, in which he was involved, he had sought the assistance of Mr. Ayre, whom he instructed to stay proceedings in the Court of Equity, and commence an action at law for the recovery of certain property. He paid defendant £10, with which to begin the action; defendant had not, however, done so, but had, in fact, continued the Chancery suit, which the plaintiff alleged he (defendant) had denounced at their first interview. The plaintiff could not produce the written agreement between himself and defendant for staying the Chancery suit, and instituting the action at law, which the counsel for defendant said was a very significant fact. After the plaintiff's evidence, his Honour stopped the action, considering that the plaintiff had not made out a case, and nonsuited him. His Honour also entirely exculpated Mr. Ayre and Mr. Slack from all blame.

LIVERPOOL.—*Assaulting an Attorney.*—At the Police-court, on Thursday week, a foreigner, named Louis Reddich, was brought up by warrant for an assault upon Mr. John Godfrey, solicitor, of this town. It appeared that on Monday evening Mr. Godfrey went to the house of Mrs. Youd, in Seymour-street, he being trustee on her behalf. The prisoner and another man were in the lobby, having previously arranged to take lodgings in the house. Mr. Godfrey asked the prisoner his name, but he gave an incorrect name, and Mr. Godfrey then asked the

prisoner how many alliases he went under. The man affected to be perfectly ignorant of Mr. Godfrey, who then said, "You cannot remain here." The prisoner became excited, and ultimately the prosecutor took the two portmanteaus belonging to the prisoner and placed them outside the room. The other man then seized Mr. Godfrey by the throat; he was also struck in the eye, and the prisoner having gone up a few stairs struck him a violent blow with a blunt instrument on the head. Mr. Godfrey bled profusely, and afterwards became unconscious. Mr. Black contended, at some length, that the prisoner having made a contract for the lodgings, neither Mr. Godfrey nor any other person had a right forcibly to eject him. The whole animus of the thing was simply that Mr. Godfrey thought the prisoner had cheated him out of a few pounds on a previous occasion. The case was dismissed.

OXFORD.—*Gown and Town.*—The Vice-Chancellor of the University of Oxford has issued the following, relative to the mayor and sheriff of the city of Oxford taking the oath of allegiance to the University:—Whereas the authorities of the city of Oxford have applied to the Vice-Chancellor, in order to ascertain whether the University will consent to a Bill which it is proposed to introduce into Parliament, for relieving the mayor of Oxford from the obligation of taking the oath to observe the privileges of the University, the present mayor and sheriffs first taking the oaths; and, whereas the town clerk, as attorney for the defendants in the case of *Reg.* v. *Grubb and the City Council*, undertakes to instruct their counsel to consent to the rule being made absolute, with costs, against the defendants, or any other course that may be equally convenient, and, perhaps, cheaper, and may be agreed upon by the University or the University counsel." In a convocation, to be holden on this day, at two o'clock, a decree will be proposed, authorising the Vice-Chancellor to refrain from opposing the Bill in question, and, if necessary, to give consent thereto.

PEMBROKESHIRE.—*The Coronership.*—We understand that Mr. Arthur Lort Phillips, solicitor, of Haverfordwest, and Mr. O. T. Edwards, have been elected coroners for the county.

YARMOUTH.—*The Magistracy.*—It is stated that the Liberals at Great Yarmouth intend to apply to the new Lord Chancellor for a further addition to the magistracy of that town, as a set-off to the nomination of three Conservatives made a fortnight since by Lord Chelmsford. There are now 30 gentlemen in the commission, and it is suggested that if this system of party-manœuvring is allowed to proceed unchecked it will be necessary to enlarge the court-house to accommodate "their worships."

Ireland.

APPOINTMENTS AND PROMOTIONS.

Mr. Serjt. Berwick has been appointed a judge of the Court of Bankruptcy and Insolvency, in the place of Judge Macan, deceased. Mr. Berwick belongs to the Home Circuit, and for some years has been chairman of one of the ridings of the county of Cork. This latter appointment (of the annual value of £1,100, with liberty to practise) is consequently vacated, and is at the disposition of the Government.

By the death last week of Mr. T. Donohoe, one of the Crown prosecutorships for Dublin became vacant. It is understood that the Attorney-General has nominated Mr. C. R. Barry, a distinguished junior member of the Munster Circuit, to supply the vacancy.

The Lord Chancellor has appointed Mr. W. N. Hancock, LL.D., Barrister-at-Law, his clerk in lunacy matters. This is one of the minor offices which should be abolished, as it is almost a sinecure, and whatever business is connected with it might, with greater propriety, be transferred to the registrar's office. Mr. Hancock is known as the compiler of the ponderous four-volume "Report on the Endowed Schools of Ireland," which by its bulk and cost attracted so much attention last year, and gave rise to the adoption of new rules, diminishing the magnitude and expense of blue-books.

Some minor changes have occurred among the Crown prosecutors on the Connaught Circuit:—Mr. Jordan changes to another county, and Mr. Costelloe is appointed to fill the vacancy.

LEGAL PATRONAGE OF THE LATE GOVERNMENT.

Some industrious member of the bar, with a statistical turn of mind, has taken the trouble to draw up and publish in the journals, a list of all the legal appointments made by the late Government during their tenure of office, specifying the amount of official income, and the religious persuasion of the individual, in each instance. The total number of appointments is twenty-nine, and the aggregate income amounts to over forty-six thousand pounds a year—a larger share of patronage than usually falls in during the space of sixteen months. The object of the compiler was to show, that with regard to the religious qualification, a stringent and exclusive rule had been followed, with which we have nothing to do. The list in question, however, suggests considerations of another kind. It shows that in some instances, valuable sinecure offices, in others, very unnecessary ones, have been retained by way of making provision for political friends, when by their abolition a considerable saving might have been effected, without the slightest detriment to the public service.

Then there is the class of unsuitable appointments, of which some notable instances have lately occurred. To this category must be referred the nomination of a militia officer to one legal post, and of a person unconnected with the law to a second. Moreover, a barrister has, as all the world knows, been appointed solicitor for a public department; and an electioneering agent has been provided for in the Court of Chancery.

The new Government will have warnings like these before their eyes, and will be in a position to estimate the injury which any party is capable of inflicting on itself, by a succession of abuses of patronage. The lecture read by the attorneys and solicitors of Ireland to Lord Eglington, will, doubtless, not be lost on his successor. Recent occurrences here abundantly prove that Governments are apt to exercise patronage without the slightest regard for the public interest: but they also prove that a vigorous show of resistance, on the part of an aggrieved class, has a very extraordinary effect in bringing even Lord-Lieutenants to their senses.

THE SOLICITORS AND THE BAR—MEMORIAL TO THE LORD-LIEUTENANT.

On the 17th ultimo a deputation from the meeting of solicitors waited on the Lord-Lieutenant with a memorial, which was to the following effect:—

"THE MEMORIAL OF THE ATTORNEYS AND SOLICITORS OF IRELAND,

"Sheweth—That your memorialists, confident in the justice and impartiality which has characterised your Excellency's administration of the affairs of this country, are induced respectfully to approach and lay before your Excellency the present memorial, in respect to what they consider a most unjust encroachment upon the rights and privileges of the profession to which they belong. That, connected with the administration of the law in this country, there are many offices, more or less lucrative and honourable, for which members of your memorialists' profession are eligible, and the duties connected with which they are better qualified to discharge than members of the profession of the bar, but that, notwithstanding, it has become the practice of successive Governments to appoint members of the latter profession to such offices, so that in addition to the numerous lucrative situations to which the bar are of right entitled, they have of late years been gradually usurping those offices which properly belong to your memorialists. That, in consequence of this systematic encroachment upon the privileges and offices connected with your memorialists' profession, and particularly in reference to the recent appointment of a member of the bar to the office of Solicitor of Inland Revenue in Ireland, the duties of which are, as its name implies, those of a solicitor, a meeting of your memorialists' profession was convened to take the matter into consideration, when it was resolved to present the present memorial, praying for redress of the grievance complained of, in pursuance of which resolution memorialists now approach your Excellency. That the above-named office of Solicitor of Inland Revenue, as well as the solicitorship of other public departments, were uniformly filled by members of your memorialists' profession until in or about the year 1838, when an Act of Parliament was passed (9 Geo. 4, c. 25), which empowered persons to act as solicitors to said public departments who were not admitted into the profession of an attorney or solicitor, or qualified to practise therein, since which period various other legal offices formerly filled by the latter profession have been taken from memorialists and bestowed upon the bar. That this course of proceeding, which monopolises almost all the legal patronage in favour of the bar, is, your memorialists respectfully submit, an unjust infringement upon the privileges, and an unmerited slight upon the professional character and capabilities of the attorneys and solicitors of Ireland; a body whose social standing and position it is for

the advantage of the public to uphold, as to them are committed the most important and confidential interests of the community. That your memorialists' profession is one involving much responsibility, and requiring great assiduity and application for the discharge of its duties, which are numerous, various, and responsible—and that an experience in that profession is the best qualification for legal offices of an administrative character; but that almost all offices of that description have been nevertheless latterly bestowed upon the bar, to the exclusion of your memorialists, so that there is not actually at this moment any office connected with the administration of the law in this country which your memorialists can calculate upon as their own. That it is discouraging to your memorialists, and degrading to the profession to which they belong, that its members should thus be excluded from their just share in the official administration of the law in this country, to which they submit they have in no way forfeited their claim, either as professional men or as citizens. That, independent of the intrusion of the bar into offices properly belonging to your memorialists, they have also to complain of the appointment of persons unconnected with either branch of the legal profession to offices connected with the administration of the law, and the duties of which cannot be efficiently discharged except by a person of legal education and experience. Your memorialists particularly refer to the appointment (reported in the public prints to have been made since the meeting of memorialists before referred to) of a gentleman totally unconnected with the law to the important legal office of Clerk of the Crown for the county of Sligo. May it therefore please your Excellency graciously to consider the just claims of your memorialists, and to lay down, so far as is in your Excellency's power, a rule by which the distribution of Government patronage to all offices connected with the administration of the law in this country shall in future be regulated, and to restore to your memorialists those offices considered rightfully to belong to their profession. And your memorialists will pray."

After the memorial had been read by Mr. Meade, Vice-President of the Law Society, Mr. W. Dane addressed his Excellency, stating the result of calculations he had made as to the numbers respectively of the bar and of the solicitors, the number of public employments open to both, and the value of them, and the number and value of places conferred on members of the bar during the tenure of office of the late Government. The substance of this statement has already appeared, in the report of the meeting held on the 3rd inst.

His Excellency said, in reply, that his stay in Ireland would now be too short to allow of his practically attending to the subject. He was willing to admit that the solicitors had grounds for complaint; and his own and former Governments may have deprived them of promotion to which their body was fairly entitled, but it had been done unintentionally, and in ignorance of their rights. His Excellency then referred to several of the appointments complained of, and justified some of them, vindicated the late attorney-general (Whiteside) from any suspicion of partiality in the distribution of patronage, and, in conclusion, said that he would leave the memorial and accompanying documents for his successor, with a strong expression of his own opinion that the solicitors had ground for complaint, and recommending that in future their just claims should be recognised.

After some further observations from Mr. Fetherstone, and Mr. Ellis, Mr. Meade thanked his Excellency for his courtesy, and the deputation withdrew.

Scotland.

Volunteer Movement.—The Edinburgh Volunteers are to consist of eight companies, of not more than 100 each, the Lord Provost commanding, Mr. Moncreiff holding the lieutenant-colonelcy. The companies are composed of different classes. The first, of members of, and candidates for the bar; the second, of citizens generally; the third, of writers to the signet, with their clerks and apprentices; the fourth, of students of the University; the fifth, of solicitors to the supreme courts, and their clerks and apprentices; and so on.

Death of Mr. Donald.—We learn with regret that Mr. John Donald, writer, commissary clerk, clerk to the Justices, and distributor of stamps and taxes, died at Alloa, on Tuesday last. Mr. Donald was very extensively known, and (Alloa excepted) in no place more so than in Edinburgh, where he had very many attached friends connected with the legal profession, and otherwise.—*Scotsman.*

Review.

Papers read before the Juridical Society. London: Maxwell. 1859.

Part II. of the second volume of the Transactions of this society has just been published. It contains two papers by Professor Katchenovsky, of the University of Charcow, in Russia, one on the present state of international jurisprudence, and the other, a biographical notice of the late Professor Wurm. A paper, by Mr. J. M. Ludlow, of considerable length, on stock, share, and land registers, is divided into forty-four clauses, and treats of the subject in a variety of ways. Another is by Mr. Thomas Chambers, the Common Serjeant, on the institution of the grand jury, from which we extract the following observations:—

"It is in its constitutional aspect that the grand jury and its functions assume the greatest importance. Let me regard it for a few moments in that light. As the law stands at present, the Crown cannot (except in matters of minor importance and of limited number, where an *ex-officio* information may be filed by the Attorney-General) proceed against any man for an alleged offence against the State, without submitting the facts upon which the accusation is grounded to the judgment of a tribunal selected from the educated and intelligent classes of the community. Unless at least twelve of such persons are satisfied that a primâ facie case exists for further and fuller investigation, the accused cannot be exposed to the disgrace and peril of a public trial. It cannot be denied that charges of political and state crimes are found to be most frequent at (are indeed almost limited to) times of great public excitement and discontent. When a conflict is going on between prerogative and liberty, between popular rights and the power of the Crown, or when some obnoxious law is sought to be enacted or repealed, at such times the press and the people are both stimulated to unwonted activity and energy, and the liberty of speaking and printing is taken full advantage of. The popular passions find vent and voice at great public meetings, where vehement speeches are made, strong resolutions passed, and strong memorials and petitions adopted. All this is done roughly—sometimes even fiercely; much that is unwise, much that is unjust, much that is untrue, is uttered and believed. Authority becomes provoked and attempts measures of repression; and it commonly begins by selecting the most prominent and noisy exponents of the popular will as the subjects of indictment for seditious or treasonable libel; or it goes lower, and apprehends the most violent members of a mob, and charges them with seditious tumult and riot. Or the Government may resort to more extreme measures—may call in the aid of the military, and the blood of the people may be spilt on the scene of some immense gathering; and then, in all probability, the criminal law will be invoked on both sides—the Government arming itself with indictments against individuals for sedition or treason; the people defending themselves with indictments against officers and soldiers for manslaughter or murder. In such crises as these, the grand jury has, over and over again, rendered invaluable service; the subject has been protected by them in the fullest exercise of his right to demand (though clamorously) the redress of his grievances; the Crown has been vindicated in its constitutional efforts to repress sedition and insurrection. The force of the shock is broken when order and liberty meet in these, their rudest conflicts. The bitterness of the strife is allayed, when the rulers and the populace are in angry collision with each other, by a Court so constituted as to have sympathies with both parties, and fitted, therefore, to act as mediator between them. The harshness of authority is mitigated by its acting through such an organ; the lawless impulses of the disaffected subside when they have the opportunity of appeal to a popular tribunal. The scene of conflict is thus shifted from tavern halls and open commons, to the arenas of justice. Both parties change the weapons of their warfare; both appeal to the law. The demagogue stops his inflammatory harangue to advise with his lawyer; the Government recalls its troops and instructs the Attorney-General. The result of this is, that the greatest political questions come on for discussion in our criminal courts, and come on under circumstances very favourable for their correct solution. By ignoring a bill, the grand jury, in sympathy with a people oppressed, calmly rebukes the Crown; by finding a bill, they tranquilly coerce the lawlessness and violence of the mob; they stand midway between the opposing parties and avert a direct shock; they save the authorities from a more mortifying defeat by stopping

their proceedings in limine; they save liberty from discredit by chastising its excesses by the law; and they accomplish all these purposes better than any other tribunal which could be devised to replace them. It is true, indeed, that many persons who advocate the abolition of the grand jury, in ordinary cases of felony, plead for its retention in political cases; but the distinction between the one class and the other is hard to define. Social questions, as of the relations of employer and employed, labour and capital, conformists and non-conformists, and the like, may come into controversy, and really, though not ostensibly, may become political. Who, then, is to decide as to the category within which they are to fall? Is the Crown to determine for itself when the grand jury is to be summoned? This would be obviously absurd. The more important it became that the subject should have the protection of an independent and enlightened tribunal, whose members discuss in secret, and are therefore safe from vindictive proceedings at the suit of the Crown, the less likely would it be that the grand jury would be impanelled. In stormy times both parties run into extremes, and act with little forbearance. It may be easy in tranquil seasons to prescribe in which cases a grand jury must be had, and in which it may be dispensed with, for then the question is immaterial, and can be discussed without passion; but just as the problem becomes important, its solution becomes difficult, and when the point in controversy is seen to be vital, its right decision becomes impossible. To leave such questions to be settled at such times, is as if we should leave the building of the breakwater till the midst of the tempest."

The address of Sir R. Bethell, on vacating the office of President, is also given. The learned chairman, in his address, reviews the past labours of the society, and throws out suggestions for a further reform in our civil and criminal jurisprudence. With reference to the appointment of a Minister of Justice, he says:—

"The first thing that strikes every member of our profession who directs his mind beyond the daily practical necessity of the cases which come before him, is, that we have no machinery for noting, arranging, generalizing, and deducing conclusions from the observations which every scientific mind could naturally make on the way in which the law is worked in the country. Now, look how differently the moral sciences, and every part of physical science, are treated here. Is not science among us pursuing the great Baconian method of induction? Are we not always making experiments, recording the results of our observations, and at length, when a great quantity of facts are ascertained, we advance with certainty the boundaries of each science? Why is not that applied to law? Take any particular department of the common law—take, if you please, any particular statute. Why is there not a body of men in this country, whose duty it is to collect a body of judicial statistics, or in more common phrase, make the necessary experiments to see how far the law is fitted to the exigencies of society, the necessities of the times, the growth of wealth, and the progress of mankind? There is not even a body of men concerned to mark whether the law is free from ambiguity or not; whether its administration is open to any objections; whether there be a defect either in the body or conception of the law, or in the machinery for carrying it into execution. The consequence is, that in the moral science of the law we never make an advance, because we never generalise, and have not persons who (as moral, political, or scientific men do in their peculiar line) interest and concern themselves in observing the effect of the law—whether the instrument we have destined for a certain duty is calculated to perform it well. This should be one of the great duties of the minister of justice. Let it be the duty of men, appointed by him for the purpose, to look through all the law, civil and criminal, and collect from the authentic records of past cases, those practical conclusions which will serve to guide us in the improvement of the machinery of the law, and in the law itself, in order to fit it to the existing state of society. Then, with a proper division of labour, the result will be a great improvement in our criminal statutes, respecting which, since this subject was agitated, the Home Secretary has in some degree imitated the practice abroad, and from which most important conclusions have been drawn. But the same would take place in the civil branch of our law. In countries where these legal experiments are made, legal maxims and general principles have assumed a more expanded and distinct form—in other words, the form of a *Code;* and the experience thus acquired is applied to each particular article and subdivision of the code itself. The effect of such a course would be to show, that in a specified time there have been so many suitors, so many actions, so many questions, on this or that particular expressed rule; and from those we derive this conclusion, that there may be an ambiguity in such a particular expression, and that the rule ought to be expressed in such or such a manner, in order to cut off this source of litigation. Such would be the result if that parental care were applied by Government to those moral rules (for laws are such) which it lays down for the guidance of its subjects. The Government would endeavour to ascertain if those rules are easily understood; if they are capable of a quick, ready, and economical application; or if any improvement can be effected in the rule itself, or the machinery of its application. Now, would any one affect to say that what I have been here describing is not the duty of a government, or that it might not be most easily and advantageously effected in a country like this? Is it not consistent with a very high degree of moral science, and a high degree of civilisation? The answer to each of those questions would be so obviously in the affirmative, that every man would naturally say, 'Is it necessary to ask a question, the answer to which is so obvious?' But that question has been put to the Government again and again, and the answer is simply, nothing. Everything is asked, nothing is responded. But there is a still more crying necessity for this in a country like ours than in other countries. We depend here, altogether, for the application and development of the principles of our laws—in other words, for our practical law—on the reports of decided cases; and yet we resolutely refuse to allow the results of these cases to be put into any abstract form. Many persons would agree with me in thinking that it is right they should be so embodied; but if for that form of expressing it you substitute the term 'codification,' which only expresses shortly what the other expresses in a roundabout way, immediately there arises a prejudice, a reluctance, an indisposition to act, and certainly nothing will be done."

THE LAW OF MARRIAGE IN FRANCE.—A very important leading case has just been decided by the Paris Civil Tribunal On the 16th of March, 1844, Mdlle. X., aged sixteen, was married to a man whom she discovered in 1857 to have been before this union a felon, convicted of assassination, and escaped from the hulks. "Error in the person" is held to be a fatal defect in the *consent* which forms the basis of matrimony, and all the Established Church divinity books in France, as well as other southern countries, distinctly lay down the law in such a palpable error as this, involving the absence of civil rights. The tribunal, however, referring to Code Napoleon, 146, and decisions of the State Council, 26 Fructidor, an. IX., 4th Vendemiaire, an. X., 6th Brumaire, an. XI., held the marriage to be good, and the lady was nonsuited.

RELIGIOUS LIBERTY IN THE UNITED STATES.—A curious case, *Eldridge* v. *The See Yup Company*, has just occurred in the courts in California. A suit was brought to set aside a trust-deed, on the ground that the trust was created for the purposes of idol worship. The defendants are Chinese, and it appears they erected a Bhuddist temple on the land in controversy, and set up an image in it for the adoration of faithful Celestials. The plaintiffs sought to annul the deed, on the ground that it was against public morals and policy. The Court denied the application, and remarked in their judgment:—"There is no force in the objection that a trust created for the purposes of idol worship is void. Under our constitution, all men are permitted the free exercise of their religious opinions, provided it does not involve the commission of a public offence; nor can any distinction be made in law between the Christian or Jew, Mahommedan or heathen. The Courts have no power to determine that this or that form of religious or superstitious worship, unaccompanied by acts prohibited by law, is against public policy or morals."

TOLL FARMING.—The metropolitan toll-gates were put up to auction on last week. For some years the firm of Messrs. Levy have farmed so many toll-gates as practically to have monopolised them, but on this occasion the competition was brisk, and some passed into other hands. They have almost all risen in value since last year, some considerably. Last year the Kensington, Brentford, and Isleworth roads produced £14,960; this year they were knocked down for £15,490. The Tyburn and Uxbridge roads realised £10,810; last year they produced £10,180. Last year the Highgate and Hampstead roads produced £13,410; this year they produced £14,020. The Marylebone and Finchley roads realised last year £1,600, and on this occasion £1,800. The tolls were sold for £61,200; last year they produced £56,610, being an excess this year of £4,590.

Societies and Institutions.

LAW AMENDMENT SOCIETY.

The annual meeting of this society was held on Saturday, the 25th ult, Lord Brougham took the chair at three o'clock.

Mr. Edgar then read the sixteenth annual report of the Council. The report gave an account of what had been done by the society during its past session, with regard to the question of the unanimity of juries, the concentration of the courts of law and equity, bankruptcy and insolvency, the transfer of land, imprisonment by county court judges, consolidation of the law, &c. The report, to which a financial statement is appended, will be immediately printed, and a copy sent to every member.

Sir Fitzroy Kelly, M.P., moved that the report be received and printed. He said that he wished to impress on the society the importance of still directing their attention to some of the subjects to which it referred. One of these was the law of bankruptcy, which more than any other subject had demanded and secured the attention and interest of the community—not merely the mercantile and legal community, but all classes of the people. After noticing the various bills brought forward during the past and present year for the amendment of the Bankrupt Law, he said, it was impossible to say whether any Bill on this subject had the chance of passing in the course of the session, but he felt very much disposed to bring the whole subject under the notice of the House for the purpose of considering all the leading principles and provisions not only of the Bills of Lord John Russell and the late Lord Chancellor, but of his own measure, with certain alterations, which experience had suggested since its first preparation. There was another subject respecting which he would make two or three observations. During the last session, he had received so many complaints with respect to the grievous hardship caused in many cases by the exercise of the power of commitment by the county court judges, that he had deemed it necessary to institute an inquiry into the matter. Without presuming to cast any censure on the county court judges as a body, or on any one of them, he must be permitted to say that he had received authentic proofs that in some places, and on some occasions, people have been committed on account of very small debts indeed, and under circumstances, not of any criminality, and not even of any misconduct, but merely because some question had not been answered at the moment to the satisfaction of the judge, and perhaps where service had not been effected, and of which the person knew nothing. He hoped these instances were few in number; but he thought one searching inquiry ought to be made as to the mode in which the law was administered. He should be glad to receive as much assistance as possible in carrying out that inquiry. When efforts were making for the abolition of imprisonment for debt altogether, it seemed most unjust to leave the law unaltered in that branch which applied only to small debtors, and in cases where no misconduct was committed, deprived a man not only of the means of paying his debts, but of supporting his family.

Mr. Edward Webster seconded the motion, observing, that it appeared to him that the operations of the society, during the year just expired, proved how active it had been, and might be honourably added to those that had marked its long and useful career. He touched on several of the questions which have come before the society in the course of the year, and dwelt at some length on the defective organization and non-results of the Statute Law Commission.

Mr. Chisholm Anstey, in behalf of himself and those who had been connected with the Statute Law Commission, observed, that the system which had been adopted ought to be attacked, and not those who had been hampered by that system. The persons who had been originally employed by Lord Cranworth were merely draftsmen; they had only authority to make proposals. Notwithstanding the failures that had hitherto taken place, he trusted that consolidation would yet be carried into effect in a satisfactory manner. Nothing in the way of law reform would confer a greater boon on the community at large. With regard to what had been stated in the report of the Council of this society, as to the prospects of law reform during the present session of Parliament, he thought that Bills on important subjects might be brought in and printed, so that they might be considered during the recess. This would tend to facilitate legislation in the following session.

The Chairman said:—There is no doubt whatever that the present state of public affairs, both at home and abroad, has been exceedingly detrimental to the progress of law amendment. A most unhappy, not to say a most criminal, war is now being waged in the south of Europe, and its effects cannot be overlooked—its tendency to stop domestic improvement—but more than all, the cruel slaughter which is going on, and of which I will say no more than God forgive those who are guilty of that enormous crime. Then, again, our home affairs have, from accidental circumstances, been obstructive of our progress in law reform. The dissolution of Parliament and the change of ministry have both tended to impede our progress. It is impossible, however, to deny that we should be adding to the bad effects of those very circumstances if we were by our impatience to hurry through the measures actually before Parliament, and which may be brought before Parliament, with a rapidity of which it might be said there was more haste than good speed. Take, for example, the bankrupt laws, which have been commented upon by Sir Fitzroy Kelly, and with respect to which he still proposes to legislate, after taking into mature consideration the Bills of Lord Chelmsford and Lord John Russell, and his own measure of a former session. That is a subject of the greatest importance, and of no little difficulty—a subject interesting to all classes of the community, but especially to the mercantile and trading classes.

This being of necessity a short session, it is utterly impossible that a great measure like this—and my observation applies to other measures as well—should undergo sufficient discussion during the residue of the present session. Another important subject is, the bringing together the courts of law and equity under the same roof. I may mention one argument in favour of that scheme, it is, that, unless the courts are brought within the same compass, the House of Lords will be deprived of the assistance of all the leading counsel, because it is found perfectly impossible to obtain the assistance of barristers in the House of Lords when the Court of Chancery is sitting at Lincoln's Inn. It is not only for the convenience of the barrister, but for the benefit of the suitor, that the courts should be concentrated under the same roof. That subject will, I hope, speedily undergo further discussion, and Lord Derby has suggested the propriety of appointing a select committee in order to ascertain whether funds exist for the erection of the buildings necessary for the purpose. Amongst the other matters which have been referred to, the number of commitments by the county court judges occupies a very prominent place. There can be no doubt of the necessity of an immediate and searching inquiry into the whole subject—not merely into the conduct of the judges with reference to the different commitments which have been alluded to, but into the state of the law upon that subject, in order to ascertain how much of this great evil is owing to the abuse and not to the administration of the law exactly as it exists. Another matter has been alluded to—I mean the Divorce Court. I was one of those who strongly urged the adoption of that salutary measure, and held it to be absolutely necessary that such a tribunal should be erected to perform judicially what the House of Lords nominally performs legislatively, or used to perform, but in reality judicially and unsatisfactorily. I have paid great attention to the result of the change, and to the proceedings of that very important court, and I am sorry to say that the defects in its jurisdiction—at all events the defects in its judicial force—are such that there is a great, almost overwhelming, and, it is said, increasing arrear in the court. I take it to be quite clear that the duties cannot be satisfactorily performed without an additional number of judges; and I think it equally clear that some change is requisite in the rules of procedure. I have moved for a return, which will probably be presented to-day, or on Monday, specifying the number of cases disposed of under the heads divorce *à vinculo* (dissolution of marriage), judicial separation, and all other heads. The most important point is the number of sentences of divorce pronounced by the Court. It is known that sentence of divorce can only be pronounced in full court. I have heard—whether the statement be true or not, the return will show, though I can hardly believe—that as many as 27 divorces have actually been decreed in one day, which is about as many as the House of Lords passed Bills for in five or six years. I confess I shall look upon the return with great dismay, if this should turn out to be the fact; because, when we transferred to this court the jurisdiction formerly exercised by the House of Lords—at least, nominally transferred it, for Parliament may still pass divorce bills, but substantially it has been transferred from Parliament to this court—when we did this, we had well hoped, as the suitors in Chancery say, that something like the same scrupulous caution and care would be exercised by the Court in divorcing parties as had heretofore been exercised by the House of Lords.

With respect to the statute law and the criminal law con-

mission, I have long laboured in vain to induce the House of Lords to adopt a measure providing for the sound drawing of Bills. The present system causes a mass of confusion which it is impossible to exaggerate. I remember the late Lord Ashburton saying to me, "You have tried many things in the way of improving the law, but there is not one half so important, or half so self-evident, as the formation of a department for improving and superintending the drawing and passing of Bills, and yet you will find it more difficult to carry that measure than any of the rest." These words were perfectly true, and I have made no progress in that direction, but still I hope to live to see better times. I will just say one word on behalf of the society. We are frequently blamed for legislating, or attempting to legislate, upon no broad system, and the reason is entirely overlooked, that it is impossible for us to legislate upon a general abstraction. If our law were such a mass of absurdity, injustice, and cruelty,—the criminal law of cruelty, the civil law of injustice—that it would be better to abolish it altogether, and substitute a better and more tolerable system in its place, no doubt the charge against us, that we proceed upon occasional and partial views, first taking up one subject and then another, would be well grounded. But as the English law is a great body, a very large proportion of which is sound and wholesome in its principles and useful in its application; and as all that is wanted is to amend it where it is erroneous, to supply it where defective, but not at all to alter it fundamentally, or sweep away the whole, I take it that we proceed on the only rational and practical ground when we try to remedy such defects as are occasionally found by experience to exist, and make such improvements and additions as are wanted. The alteration of some parts, the supplying of defects in other parts, and the correcting by experience of our own amendments, where we have gone in the wrong direction, or gone too far—which mistake we ought not to be ashamed of averring—I take to be the sound doctrine of law amendment. It is the doctrine upon which I have always proceeded, and upon which this society has most justly and rationally proceeded. It is one part of a wholesale and sweeping error to indulge in impatient complaints of slowness, and to say that nothing is done because enough has not been accomplished; and we should very much depart from our principles, and tarnish our own reputation as law amenders, if we hurried through measures of importance because we are impatient of the slowness of their progress.

Dr. WADDILOVE observed that the large number of cases decided in the Divorce Court in one day, to which the noble and learned chairman had alluded, might be attributed to this fact, that they had already been tried before a judge and jury, and merely awaited the form of passing the decree. One of the great complaints against the old system was, the enormous length of the libels; and it had been deemed advisable to render the statements shorter and less expensive. The facts were now brought out in evidence, and every care was taken by the judge to ascertain whether any collusion was practised or not.

Lord BROUGHAM having been elected president for the ensuing year, and the vice-presidents and council appointed, the society adjourned till Monday, the 11th July, at eight o'clock.

INCORPORATED LAW SOCIETY.

The annual general meeting of the members of this society was held in their hall in Chancery-lane, on Tuesday, the 28th June; John Young, Esq., the president, in the chair. Several of the Council, and a considerable number of the members, were present.

The ten members of the Council who went out of office by rotation were re-elected; and in lieu of the late Mr. Ranken, of Gray's Inn, Mr. John Clayton, of Newcastle-upon-Tyne, was elected. This makes the third provincial solicitor invited to a seat in the Council of the society.

Mr. John Irving Glennie was elected president, and Mr. William Strickland Cookson vice-president, for the ensuing year; and Mr. Brace, Mr. Boodle, and Mr. Park Nelson, auditors of the accounts of the society.

The annual report of the Council was read by the secretary, and was approved and ordered to be entered on the minutes.

The auditors' report, signed by Mr. Brace, Mr. Chilton, and Mr. Dawes, was also brought up and approved. It appeared that, exclusive of the accounts for the new building, the regular income of the society amounted to £6,969, and the expenditure to £5,468, leaving a surplus of £1,501, part of which had been applied towards the expense of the south wing of the building.

The report stated that 100 new members had joined the society during the year; that, deducting the deaths and retirements, the society now consisted of 1,693 members, of whom 1,325 are London solicitors, and 368 practising in the country. The Council in their report adverted to the fact, that a large number of gentlemen residing at a distance, and seldom coming to town, were deterred from joining the society by the amount of the admission fee, which at present was the same for all members, wherever practising, and they therefore recommended that the admission fee of country members should be reduced to £2. This proposition was unanimously adopted by the meeting. The annual subscription for the country is £1 only. It is anticipated that a large accession of members will follow this financial change, and unite more completely than at present this branch of the profession.

The details contained in the annual report will be hereafter submitted to our readers. The topics it comprises are numerous and important, consisting—1st, of the alterations in the law; 2nd, the Bills in Parliament; 3rd, the amendment of the law of attorneys; 4th, the concentration of the courts and offices; 5th, practical suggestions and amendments; 6th, the examination and registration of attorneys; 7th, usages of the profession; 8th, complaints of malpractice; 9th, the general affairs of the society.

UNITED LAW CLERKS' SOCIETY.

The twenty-seventh anniversary dinner of this society took place on Tuesday evening, the 21st ult., at the Freemasons' Tavern, under the able presidency of Mr. Baron Martin, supported by three of his learned brethren—namely, Mr. Justice Hill and Barons Bramwell and Channell, Mr. Gardner, a distinguished member of the United States bar, Mr. Manisty, Q.C., Hon. George Denman, M.P., Mr. D. D. Keene, Mr. Maugham, and other eminent members of the legal profession.

The cloth having been removed, the usual toasts were given, among which was that of the "Army and Navy." In the absence of a representative of either, Mr. Baron CHANNELL vouchsafed to respond. The learned baron was constrained to admit that he was the descendant of a naval officer who had served with distinction under Nelson, and had, it appears, rendered great service to Sir Thomas Hardy in taking the soundings of Copenhagen, and which enabled Nelson to carry out his designs, which eventually were crowned with success. Whether Nelson acted right or wrong posterity had always done him justice. The modest allusion of the judge to that fact elicited enthusiastic applause.

At the close of the customary toasts, the secretary of the society, Mr. H. G. ROGERS, read the report of the past year's proceedings, which stated that the number of members who had required relief in sickness was 35. Of these 35 cases, 4 terminated in death; 3 others are those of members who had received a weekly allowance of one guinea for one year, and are now receiving half the amount until a second year has elapsed, when they will be entitled for life to a superannuation allowance. These three members, once in comparative affluence, were amongst the society's earliest friends and supporters, two as donors as well as members; but after forty years' close application in the profession, mental incapacity, preceded by long-continued illness, has compelled them to give up their employment, and fall back upon the society in order to obtain the means of subsistence. In satisfying the claims of these 35 members, the sum of 447*l.* 17*s.* 4*d.* has been expended, exceeding by 249*l.* 0*s.* 10*d.* the amount disbursed last year on this account alone. The total sum paid on account of illness now amounts to 4,381*l.* 19*s.* 8*d.* As to the allowance granted for life, it consists of a weekly allowance, varying from 10*s.* to 14*s.* There are at present 7 members in receipt of it; 3 receiving yearly 31*l.* 4*s.*, and the remaining 4 36*l.* 8*s.* each; to meet which a yearly sum of 239*l.* 4*s.* is required, or nearly the interest of £8,000. The allowance on death is, £50 on the decease of a member, and half that amount on the death of a member's wife. Out of 675 members, 6 have died during the past year; and to the family of each a sum of £50 has been paid. Six members' wives have also died during the same period, and each of these six members received the sum of £25. The total expenditure in cases of death alone during the year has been £495; and since the foundation of the society 6,542*l.* 10*s.* A sum of £374 has been expended in meeting the claims upon the benevolent fund during the past year, making the total relief afforded out of this fund alone, during twenty-seven years, amount to the sum of 7,722*l.* 16*s.* The state of the casual fund is as follows:—In April, 1858, the cash in hand amounted to 120*l.* 15*s.* 7*d.* The receipts of the year have amounted to 511*l.* 15*s.* 1*d.*, out of which 471*l.* 12*s.* has

been expended in gifts and necessary disbursements, leaving a balance in hand on the 4th April, 1859, of 160*l.* 18*s.* 8*d.* with which to commence the year. Since the last anniversary some addition has been made to the reserved fund. On the 5th April, 1858, the capital of the general fund amounted to 22,239*l.* 7*s.* 1*d.* The receipts of the year have amounted to 2,528*l.* 0*s.* 3*d.*, of which 1,441*l.* 2*s.* 6*d.* has been spent in relief and necessary disbursements. The difference has been added to the general fund, which, on the 4th day of April last, amounted to 23,432*l.* 8*s.* 10*d.* Of this sum 23,260*l.* 3*s.* 2*d.* is invested in the names of the three trustees with the Commissioners for the Reduction of the National Debt. The residue is in hand to meet constantly accruing claims. Since the last anniversary meeting, thirty-nine applications for assistance from the casual fund have been received; of these, fourteen were ineligible for various reasons, and assistance could not be afforded; the remaining twenty-five were from deserving persons, who received such assistance as the funds enabled the committee to grant. Several loans have been granted during the year, and the committee have reason to believe they are often of great service. The borrowers repay them by instalments, without interest or charge. Two pleasing incidents with respect to these loans have occurred since the last anniversary. Some time back, two members who had been thus assisted omitted to keep up their subscriptions, and ceased to belong to the society. It was ascertained that they had left England, and the sums advanced them were considered as lost; but one member, who, it appears, had settled at Toronto, in Canada, has remitted the whole of his loan; and the other, who was in employment at Madras, sent over his, with the first payment of an annual donation of 2*l.* 2*s.* to the society's funds. In conclusion, the committee return their acknowledgments to the profession for the help it has afforded to the society, which, since 1832, has expended more than £18,000 in assisting law clerks, their widows and children, in affliction and temporary distress.

The learned CHAIRMAN, in proposing the toast of the evening, "Prosperity to the United Law Clerks' Society," observed, that the majority of its supporters were attorneys' clerks, and, despite any prejudice to the contrary, he insisted that they were a provident and most useful class of men. He said, that if a man were to enjoy the best of health all his lifetime, and persevere in saving every half-penny he could earn, and deposit it in some savings bank, he might probably die a rich man. But, generally speaking, our fellow-countrymen were not of that class, for, though fond of toiling industriously for their living, they were prone to habits of enjoyment and amusement, and spending their earnings in a manner which, he feared, would always be characteristic of them. Notwithstanding this, there were a great number who, with willingness, prudence, and forethought for themselves, and those dependent on them, had providentially, with a view to their future welfare, made some slight sacrifice to ensure themselves against the uncertainty of the future. The report, which had just been read, amply showed the necessity for making some provision of this kind. Since the time the society was first founded, no less a sum than £18,000 had been paid away to members, who had become, through sickness or death, recipients of the funds of the society. As a proof of the benefits administered, £374 had been dealt out during the year to persons, whose only claim upon the society had been that of want and misery; whilst £1,441 had been expended amongst the necessitous members of the society. It is, therefore, important that the claims of the society should be liberally responded to. And he strongly advised all law clerks to lose no time in enrolling themselves members of this excellent institution. He added, that out of the 675 members, upwards of 600 were attorneys' clerks. Adverting to his early experience at the bar, his Lordship remarked upon the unnecessary waste of the public time which had resulted in former years from the transaction of routine business in the full court, which is now more efficiently disposed of at chambers. He remembered the period when a great portion of the time of the superior court was occupied solely with matters of practice at an enormous expense, and which were almost entirely conducted by attorneys' clerks, before the judge at chambers; and, speaking from his own experience, he bore testimony to the skill, industry, and truthfulness which they invariably brought to bear in the conduct of the many cases of practice entrusted to their individual care. All this mass of business has been swept away, and every professional gentleman competent to form an opinion upon the subject must admit that the business is better conducted now than ever it was before. The candour, truth, and fairness, which are universally exemplified in the conduct of this branch of the profession, are well worthy of commendation, and reflects great credit on the body to whom it concerns. In conclusion, the learned Chairman remarked, that he sincerely felt happy to bear testimony to the honour and credit these gentlemen do to their employers. He begged, therefore, to propose the aforesaid toast, which was duly responded to.

Mr. Baron BRAMWELL proposed the health of his learned brother, the Chairman, whom he warmly eulogised for his learning, integrity, and uprightness of character.

The learned CHAIRMAN returned thanks, and the society having been addressed by Mr. Justice HILL, Mr. Baron CHANNELL, Mr. MANISTY, Q.C., Hon. G. DENMAN, M.P., and other members of the profession, in responding to the usual toasts, the meeting separated.

The appeal on behalf of the society by the learned Chairman was warmly responded to, the result being an addition of nearly £450 to the funds of the institution.

The next meeting of this society will be held on Monday, the 4th inst., at eight o'clock, p.m., when Mr. W. D. Lewis, Q.C., will read a paper on "the Conditions of Professional Success."

Court Papers.

Queen's Bench.

This Court will hold a Sitting on Saturday, the 2nd July, at 11 o'clock, for the purpose of giving judgment in cases previously argued.

Exchequer of Pleas.

SPECIAL PAPER.

Sp. Case. Kerford v. Mondel.

PUBLIC RECORDS.—The stupendous collection of government documents and returns, diplomatic and other papers, which come under the general designation of Public Records, are now, under the superintendence of Sir Francis Palgrave gradually settling down into some sort of order. His report, as Deputy Keeper of the Public Records, is issued in the form of a substantial blue-book, and gives a very forcible idea of what the actual collection of papers must be, when the very list of the packages which they form makes a large volume in itself. The public archives possess unexampled value. Whether we consider them in relation to antiquity, to continuity, to variety, to extent, or to amplitude of facts and details, they have no equals in the civilised world. For the archives of France, the most perfect and complete in continental Europe, do not ascend higher than the reign of St. Louis, and, compared with ours, are stinted and jejune; whereas in England, taking up our title (so to speak) from Domesday, the documents which, under the joint operation of ancient usage, the Record Act, the Treasury Minute of 8th August, 1848, directing the incorporation of the State Paper Office with the Public Record Office, and the Order in Council of the 5th March, 1852, are, or will be, placed under the care of the Master of the Rolls, contain the whole of the materials for the history of that country, in every branch and under every aspect—civil, religious, political, social, moral, or material, from the Norman Conquest to the present day. Chasms there are, but the only one of importance is that intervening between Domesday and the Great Rolls of the Exchequer, viz. from 1083 to 1130; and inasmuch as in the reign of Henry II. we have authentic testimony that no documents of the reign of the Conqueror, with the exception of Domesday, existed, it is most probable that none were ever framed. But with respect to subsequent periods, though occasionally particular classes of documents may fail us, yet the place of the documents lost or non-existent is generally supplied by others affording information nearly equivalent. "It is needless to state," adds the report, "that the public records, accompanied by the State papers and Government archives, now united to the Department of the Public Records, constitute the backbone of our civil, ecclesiastical, and political history; but their value is equally great for the investigation of those special and collateral subjects without which the mere knowledge of public or political affairs affords but a small portion of the information needed for elucidating the march of history and the mutations and progress of society. The real history of the Courts of Common Law and Equity, nay, of every branch of jurisprudence, awaits a competent inquiry; and, so far as respects their earlier eras, the standard work first placed, or which need to be first placed, in the hands of the legal student, is a congeries of errors, equally with respect to our ecclesiastical, our political, and our legal

institutions." The statistics of the kingdom, in every branch, can from these sources be investigated with singular satisfaction and accuracy. The comprehensive nature of the papers may be realised by the fact that the series of diplomatic documents commences with the credential of the Flemish ambassador to Richard Cœur de Lion.

Expense of the Colonies.—The cost of the several colonies of the British Empire at the expense of the British Exchequer, in the year 1857, amounted to no less than £4,115,757, against £4,887,957, in 1856, £4,804,956 in 1855, £4,466,201 in 1854, and £3,845,518 in 1853. In 1857 the list was as follows:—Gibraltar, £423,589; Malta, £442,720; the Cape of Good Hope, £682,015; Mauritius, £74,881; Bermuda, £158,061; St. Helena, £62,640; Heligoland, £1,274; the Ionian Islands, £199,470; the Falklands, £6,523; Hong Kong, £303,735; Jamaica, £193,711; the Bahamas, £52,045; Honduras, £33,802; West Indies, £305,981; Canada, £236,484; Nova Scotia, £194,605; New Brunswick, £9,430; Prince Edward's Island, £1,500; Newfoundland, £20,114; Vancouver's Island, £210; the West Coast of Africa, £126,039; Ceylon, £119,279; Labuan, £12,445; North Australia, £5,666; West Australia, £94,769; South Australia, £9,940; Victoria, £4,413; New South Wales, £59,646; Tasmania, £96,936; and New Zealand, £112,395.

A Long Holding.—Among the obituary notices in the *Leeds Intelligencer* is the following:—"On the 20th inst., aged 45, Mr. Peter Matterson, of Low Dunsford, near Boroughbridge. He and his ancestry have been the owners and occupiers on the farm on which he died for more than 800 years. The farm was not entailed, and the owner has always been a Matterson, without adoption."

We understand that the University of Oxford will confer the honorary degree of D.C.L. on Sir J. Lawrence, at the approaching commemoration.

Births, Marriages, and Deaths.

BIRTHS.

BACON—On June 29, at 3, Glengall-place, Old Kent-road, the wife of William Bacon, Esq., of a son.

BRODRICK—On June 26, at Wimbledon, Mrs. Thomas Brodrick, of a daughter.

BURCHELL—On June 25, at 42, Upper Harley-street, the wife of William Burchell, Esq., jun., of a son.

CLARK—On June 25, at Trowbridge, Wilts, the wife of Henry Clark, Esq., Solicitor, of a son.

DEVONSHIRE—On June 23, at 12, Albert-road, Regent's-park, Mrs. T. H. Devonshire, of a son.

HICKSON—On June 23, at 35, Upper Rutland-street, the wife of William Hickson, Esq., Barrister-at-law, of a daughter.

OWEN—On June 29, at Upper Westbourne-terrace, the Wife of W. S. Owen, Esq., Barrister-at-law, of a daughter.

PARRY—On June 27, at Campden-hill, Kensington, the wife of Mr. Serjeant Parry of a son.

PECKHAM—On June 21, the wife of Robert Peckham, of Ludgate-street, Solicitor, of a daughter.

PINNIGER—On June 17, at Donnington-square, near Newbury, the wife of Mr. James Cockburn Pinniger, Solicitor, of a daughter.

RADCLIFFE—On June 24, at 29, Cambridge-terrace, Hyde-park, Mrs. John Alexander Radcliffe, of a daughter.

WYNNE—On June 30, at 62, Inverness-terrace, Hyde-park, Mrs. Llewelyn Wynne, of a son.

MARRIAGES.

BARTLEY—BELL—On May 3, at St. Paul's, Rondebosch, Cape-town, Captain Walter Tyler Bartley, 6th Royal Regiment, to Esther, eldest daughter of Sydney S. Bell, Esq., First Puisne Judge, Supreme Court, Cape of Good Hope.

CONCANON—NORRIS—On June 20, at Bootle, Christopher, second son of the late James Henry Concanon, Esq., of Carnacreggs House, co. Galway, to Elizabeth, youngest daughter of the late James Norris, Esq., Solicitor, of Liverpool.

KING—FIRMSTONE—On June 30, at Bellroughton, Worcestershire, by the Rev. Henry Arthur Woodgate, the rector, assisted by the Rev. E. Anderson, curate of Frankley, William Henry King, Esq., Solicitor, Swarkestone, to Jane, daughter of the late Thomas Firmstone, Esq., of the Yew Tree House, Bellroughton.

LOWELL—CASH—On June 23, at St. Pancras New Church, by the Rev. Canon Dale, vicar, George Lovell, Esq., of the Inner Temple, and Camberwell-villas, to Margaret Jessy, youngest daughter of the late Thomas Cash, Esq., of Aldersgate-street.

LUND—CASELLA—On June 22, at St. Mary's Catholic Chapel, Hampstead, by the Rev. John Walsh, William Lund, of Castle-street, Holborn, Solicitor, second son of W. T. B. Lund, Esq., Haverstock Lodge, Hampstead, to Ottavia Marie, second daughter of L. P. Casella, Esq., Southgrove, Highgate.

THOMPSON—TEALL—On June 16, at St. Mary's Church, Wakefield, by the Rev. Dr. Senior, incumbent, W. H. B. Thompson, Esq., Solicitor, eldest son of B. Thompson, Esq., of St. John's, Wakefield, to Elizabeth Frances, only daughter of W. Teall, Esq., of Calder House, Wakefield.

DEATHS.

CASELL—On June 4, in New York, Francis Cahill, Esq., late of Dublin, Barrister-at-law.

[illegible]—On June 24, at York, aged 44, Robert, third son of the late Mr. Thomas Burke, Solicitor, London.

PAULL—On June 27, at Plymouth, of consumption, Florence Catherine, wife of W. P. Paull, Solicitor, aged 28.

PEARSE—On June 27, at Wiveliscombe, Somerset, of diphtheria, Frederic, the third son of Mr. Nicholas Pearse, Solicitor, aged 4 years.

SHORT—On June 25, at Solihull, in the 76th year of his age, Robert Short, Colonel H.E.I.C.S., and for many years an active magistrate for the county of Warwick.

Unclaimed Stock in the Bank of England.

The Amount of Stock hereafter standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

Ashby, Shuckburgh, Esq., Queenby, Leicestershire, £100 Reduced.—Claimed by Rev. George Knight, vicar, William Spittle, Builder, and Thomas Shilcock, Farmer, all of the parish of Hungerton, Leicestershire, pursuant to an order of the County Court of Leicestershire, dated April 13, 1859, in the matter of Shuckburgh Ashby and Hamlet Clarke's Charities, &c.

Brodie, Joseph, Esq., Edwards, St. Lawrence, America, £55: 11: 1 Consols.—Claimed by Joseph Brodie.

Hall, Charles, Gent., Barrow-hill Mills, Maldon, and Ellen Hall, a minor, Barrow-hill Mills, Maldon, £22: 16: 2 Consols.—Claimed by Charles Hall.

Howarth, Humphrey, 39th Regiment Native Infantry, Bengal, Three Dividends on £725: 2: 7 Consols.—Claimed by John Lee, the acting executor of said Humphrey Howarth, deceased.

Palmer, Sarah Cornelia, Spinster, Upper-terrace, Hampstead, and Henry Noel Francis Woodburn, Gent., St. Martin's-lane, £1: 10 per annum Long Annuities.—Claimed by Susanah Woodburn, Widow, administratrix of Henry Noel Francis Woodburn, deceased, who was the survivor.

Wright, Mary, Widow, Hare-street, Herts, £100 New 3 per Cents.—Claimed by William Wright, the administrator.

Heirs at Law and Next of Kin.

Advertised for in the London Gazette.

Frenckland & Frencca Families.—Relatives or descendants of these families to apply by letter only to B. Hope, Esq., Solicitor, 9, Ely-place, Holborn.

Ring, Rooke, Worrall Families.—Relatives of Hannah Ring, wife of George Worrall; and of Mary Ring, wife of James Rooke, all living in London in 1810, to apply by letter only to B. Hope, Esq., Solicitor, 9, Ely-place, Holborn.

Simpson, John, Gent., formerly of Leicester. His heir-at-law to apply personally or by letter to Messrs. Adamson & Donaldson, 1, Leadenhall-street.

Turned, Adam, formerly of Sunderland (who died about the year 1760.) His descendants to apply to Mr. William Snowball, or Mr. Collin Smart, Solicitors, Sunderland.

Turner, Robert, Ironmonger, formerly of Sunderland-near-the-Sea. His descendants to apply to Mr. William Snowball, or Mr. Collin Smart, Solicitors, Sunderland.

Callard, Susan, otherwise Susannah, Spinster & Newsvender, 2, Norris-street, Haymarket. Her next of kin who were living at the time of her death, which happened in the month of August, 1857. Tomkins & others *v.* Callard & another, V.C. Stuart Aug 1, 1859.

Christopher, Sgeorge cutt (who died in or about the month of Aug., 1858.) His next of kin to prove their claim before V.C. Kindersley, July 21, Chapple *v.* Chapple.

Pendleton, Mary, Spinster, Rhodes-within-Middleton, near Manchester (who died in or about the month of July, 1858.) His next of kin to prove their claims at the Registrar, Manchester, July 30, Pendleton *v.* Hibbert & wife.

English Funds.

English Funds.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock	..	220	219 21	..	221 20	220
3 per Cent. Red. Ann.	93 2½	93⅜ ⅛	93½ 2½	92⅝	93 ⅛	93⅜ ⅛
3 per Cent. Cons. Ann.	..	..	..	..	..	..
New 3 per Cent. Ann.	92⅝ 3⅛	93 ⅛	93	92 2½	93⅛ ⅛	93⅜ ⅛
New 2½ per Cent. Ann.	..	..	..	..	..	..
5 per Cent. Ann.	..	..	..	..	..	..
Long Ann. (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Apr. 5, 1885)	..	..	..	17⅞	17⅝ ⅛	17⅝
India Stock	..	..	..	..	..	..
India Loan Debentures	94⅛ ⅛	94⅛ ⅛	94⅛	94⅛ ⅛	94⅛ ⅛	94⅛
India Loan Scrip	..	..	93⅝ ⅛	..	93⅝ ⅛	94⅛ ⅛
India Bonds (£1,000)	..	..	6s d	10s 5s d	6s d	..
Do. (under £1000)	..	5s 10s d	9s 5s d	10s 5s d	..	..
Consols for account	92⅝ ⅛	93⅛	92⅝ ⅛	93⅛ ⅛	93⅛ ⅛	93⅛ 3
Exch. Bills (£1000) Mar.	22s 20s p	20s p	22s 23s p	23s 20s p	22s 24s p	24s p
Ditto June	..	..	..	..	..	..
Exch. Bills (£500) Mar.	..	..	..	..	23s p	21s p
Ditto June	..	..	..	..	..	..
Exch. Bills (Small) Mar.	..	22s p	23 22s p	..	23s p	21s p
Ditto June	..	..	..	..	..	..
Do. (Advertised) Mar.	..	..	..	..	..	..
Ditto June	..	..	..	..	..	..
Exch. Bonds	..	..	..	..	..	..
Exch. Bonds, 1859, 3½ per Cent.	..	..	..	..	..	..
Ditto (under £1,000)	..	..	..	..	..	..

Railway Stock.

Railways.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Birk. Lan. & Ch. Junc..	75 3½	..	..	73½	74	73¾ 4
Bristol and Exeter	93½ 3	..	..	94	94¾ 4	93¾ 4½
Caledonian.....	78½	79½ 9	..	..	80	80¼ ½
Chester and Holyhead..	..	..	..	..	..	..
East Anglian.....	..	13½	..	..	..	14 13½
Eastern Counties	55½	55½ ½	55½ 6	56 5½ 6	56½	56¼ ½
Eastern Union A. Stock.	..	..	..	..	..	..
Ditto B. Stock	..	..	..	..	..	..
East Lancashire	87	..	..	..	90½ 89½	90½ 89½
Edinburgh and Glasgow	..	70	..	..	..	..
Edin. Perth, and Dundee	..	25½	..	25½	..	25½
Glasgow & South-Westn.	..	..	..	..	..	..
Great Northern	..	98½ 9	98¾ ½	..	100½	99
Ditto A. Stock	..	80	..	..	83	83½
Ditto B. Stock	..	131 30	131	..	131½	131½ 2
Gt. South & West. (Ire.)	..	..	..	..	..	..
Great Western	54½ 5	54¾ ½	54¾ ½	54¾ 5	55½ ¾	54¾ 6¾
Do. Stour Vly. G. Stk.	..	..	..	..	..	..
Lancashire & Yorkshire	90¾ ¾	90¾ ¾	90¾ ¾	..	92¾ ¼	91¼ 1
Lon. Brighton & S. Coast	..	..	112	..	..	113
London & North-Wstrn..	90½	90½	90¼ ¼	90	90½ 2½	90 2½
London & South-Western.	90½	90¼	90 1	91	..	91 3
Man. Sheff. & Lincoln..	..	..	..	36	..	36½
Midland	98½ 9	99½ 9	99 8½	99½	99¼ ¾	98½ 100
Ditto Birm. & Derby	..	..	..	..	73¾ 4	73¼ 4
Norfolk	..	..	56	..	..	57½ ½
North British	54½ ¾	54½ ..	..	54¾	55	54¼ 5½
North-Eastern (Brwck.)	87½	88½ ½	..	88¾	89	88¾ 9½
Ditto Leeds	..	..	44½	45	..	45½
Ditto York	71½	72½	72½ 2	72½	72 ½ ¾	72½ ¾
North London	..	..	101½	..	..	101
Oxford, Worc. & Wolver.	..	30½ 1	30½	31	..	31
Scottish Central	..	..	..	..	..	..
Scot. N.E. Aberdeen Stk.	..	24½ 4	..	..	..	24½ ½
Do. Scotsh. Mid. Stk.	..	..	..	..	..	..
Shropshire Union	..	..	..	..	..	44
South Devon	..	..	..	..	41½	41½ 2
South-Eastern	..	67	..	..	67½ 8½	67 8½
South Wales	..	59	60	..	..	60
Vale of Neath	..	..	..	..	..	67 6

Estate Exchange Report.

At the Mart.—By Messrs. Baker & Morley.

Freehold House, No. 27, Wyndham-street, Bryanstone-square; let on lease at £45 per annum.—Sold for £650.

By Messrs. Bromley & Son.

Freehold Ground-rent of £48 per annum, arising from Nos. 15 to 20, South-grove West, Mildmay-park.—Sold for £1,200.

Freehold Ground-rent of £35 per annum, arising from Nos. 4 to 8, South-grove West.—Sold for £875.

Leasehold Public-house, "The Bunch of Grapes," Fore-street, Limehouse; held for 83 years at a peppercorn; let on lease at £50 per annum.—Sold for £800.

Freehold House, No. 6, New Pye-street, Westminster; let at £36 per annum.—Sold for £500.

Leasehold House, No. 1, Alwyne-road, Canonbury; held for 97¼ years from March, 1848; ground-rent, £10 per annum; let at £56 per annum.—Sold for £665.

Leasehold House, No. 16, South-grove West, Mildmay-park; held for 92 years; ground-rent, £8 per annum; annual value, £55.—Sold for £570.

By Mr. E. Robins.

Leasehold House, No. 25, King-street, Portman-square; let at £55 per annum; term, 32½ years (less 10 days) from Michaelmas, 1789; ground-rent, £1 : 10 : 0.—Sold for £420.

Leasehold House and Shop, No. 12, Charles-street, also Nos. 8, 9, & 11, Little George-street, and No. 23, King-street, producing £94 : 4 : 0 per annum.—Sold for £500.

Leasehold Stabling for 32 horses, coach-house, dwelling-rooms, &c., Little Grove-street; let at £60 per annum; term, 78 years from June, 1839; ground-rent, £16.—Sold for £490.

Leasehold Houses, Nos. 7 & 8, Canterbury-place, Old Kent-road; let at £39 per annum; term, 22½ years unexpired; ground-rent, £9 : 12 : 0.—Sold for £290.

Leasehold Houses, Nos. 1 to 9, Manor-grove, Manor-street, Old Kent-road; let at £143 per annum; term, 99 years from September, 1856; ground-rent, £30.—Sold for £840.

Freehold Residence, Harrington-cottage, No. 11, Thistle-grove, Brompton; let at £43 per annum.—Sold for £840.

A Renter's Share in the Theatre Royal, Drury-lane.—Sold for £60 : 10 : 0.

A Renter's Share in the Theatre Royal, Drury-lane.—Sold for £60 : 8 : 0.

By Mr. Newson.

Leasehold House, No. 34, Queen-street, Lower-road, Islington; let at £20 per annum; term, 66 years from December, 1844; ground-rent, £4.—Sold for £195.

Leasehold House and Corner Shop, No. 62, Queen-street; let at £25; same term, &c.—Sold for £160.

Leasehold House and Premises, No. 6, Queen's Head-row; let at £70 per annum.—Sold for £490.

Leasehold House, Cottage, Yard, and Stabling, No. 9, New-street, Borough-road, Southwark; let at £53 per annum; term, 38 years from June, 1831; ground-rent, £15.—Sold for £340.

Leasehold Houses, Nos. 17 & 18, Lyon-street, Islington; let at £30 each; term, 43½ years from Lady-day, 1859; ground-rent, £5 each.—Sold for £500.

Leasehold House, No. 20, Lyon-street; let at £16 per annum; same term, &c.—Sold for £215.

Leasehold House, No. 34, Story-street; let at £28 per annum; same term; ground-rent, £6.—Sold for £220.

Leasehold Residence, No. 11, Sutherton-street, Caledonian-road; term, 99 years from Lady-day, 1848; ground-rent, £6; estimated value, £24 per annum.—Sold for £130.

Freehold House, No. 9, Park-place, Highbury-vale; estimated annual value, £35.—Sold for £310.

Freehold Houses, Nos. 78 & 79, George's-grove, Holloway; let at £50 per annum.—Sold for £440.

Freehold Building Land, four plots, Furze-road, Beulah Spa Estate, Norwood.—Sold for £40.

Freehold Building Land, two plots, Furze-road.—Sold for £26.

By Messrs. Daniel Smith, Son, & Oakley.

Freehold, The Wexham Lodge Estate, Wexham, Bucks, comprising residence, park, pleasure-grounds, the Bell Farm, with homestead, &c., in all 116a. 0r. 36p.—Sold for £13,000.

By Messrs. Humphreys & Wallen.

Freehold Ground-rent of £16 per annum, arising from house, shop, and premises, No. 7, St. Anne's-place, Limehouse, also three cottages in St. Anne's-row.—Sold for £310.

Freehold Beer-shop and Dwelling-house, the "Cape of Good Hope," No. 2, St. Anne's-place, Limehouse; let at £25 per annum.—Sold for £480.

Freehold Ground-rent of £2 per annum, arising from Nos. 19 & 20, St. Anne's-street, Limehouse.—Sold for £45.

Freehold House, No. 5, St. Anne's-street; let at £14 : 5 : 0 per annum.—Sold for £45.

Freehold Dwelling-houses, Nos. 27, 28, & 29, Church-lane, Limehouse; let at £54 : 12 : 0 per annum.—Sold for £530.

Freehold, four Houses and yard, forming New Alley-square; let at £35 : 2 : 0 per annum.—Sold for £245.

Leasehold Houses, Nos. 14 & 15, Bow-common-lane; let at £17 : 14 : 0 per annum; held for 97¼ years from December, 1816; ground-rent, £7.—Sold for £30.

By Mr. C. Pugh.

Leasehold Houses, Nos. 3, 4, 6, & 7, Walker-street, 28, Castle-street, and 3 & 4, Staple-street, Southwark; let at £100 : 2 : 0 per annum; term, 31 years; ground-rent, £43 per annum.—Sold for £180.

Freehold, three Cottages and plot of ground, Ford-street, Oldham, Essex; let at £16 : 10 : 0 per annum.—Sold for £165.

By Matthew Plews.

Nine Waterloo Bridge Bonds, for the respective sums of £600, £309, £300, £195, £140, £110, £100, £60, and £60, bearing interest at 5 per cent. per annum for 999 years.—Sold for £785, £360, £350, £240, £165, £135, £135, £130, £75, & £75 respectively.

Fifty Shares of £50 each (£7 paid) in the City of London Assurance Society.—Sold for £45.

Leasehold House, No. 4, Dalston-terrace East, Kingsland-gate; let at £28 per annum; term, 15 years from Christmas last; ground-rent, 6 guineas per annum.—Sold for £115.

Leasehold Tenement, No. 28, Bennet's-buildings, Lower Kennington-lane; let at 7s. 6d. per week; term, 6 years from Michaelmas last; ground-rent, £4.—Sold for £14.

By Mr. Debenham.

Freehold Building Ground, with frontage to Ladbrook-road, Kensington-park-road, and Lansdown-road, North Kensington-park, Notting-hill.—Sold for £2,020.

Copyhold Residence, "Docet Hall," Merton, Surrey, with grounds, &c., 4a. 2r. 32r.; let on lease at £135 per annum.—Sold for £2,020.

Copyhold Residence, "Docet Cottage," Merton; let at £30 per annum.—Sold for £490.

Copyhold, five Cottages; let at £39 per annum, adjoining Docet Hall.—Sold for £300.

Copyhold Enclosure of Meadow Land on Merton-common, 4a. 3r. 1r.—Sold for £390.

Freehold Meadow Land, Lyon Mead, Cookham, Berks, 4a. 0r. 9p.—Sold for £375.

Freehold Arable Land, Summer Leaze, adjoining the above, 13a. 1r. 17p.—Sold for £350.

Freehold and part Copyhold, Cock's & White's Farms, Brettenham, Suffolk, comprising Homestead, Buildings, &c., 111a. 0r. 23p.; let at £135 per annum.—Sold for £3,460.

Freehold and part Copyhold, Fen Farm, Brettenham, Farm House, &c., and 97a. 0r. 9p.; let at £85 per annum.—Sold for £2,570.

Freehold and Copyhold Residence and Grounds, Lochnell Cottage, Northchurch, Berkhamstead, Herts.—Sold for £1,010.

Copyhold Residence, Feltham, Middlesex, recently let at £55 per annum.—Sold for £690.

Freehold, five plots of Building Land, at Forest-hill.—Sold at from £30 to £40 per plot.

By Messrs. Norton, Hoggart, & Tabe.

Freehold Estate, known as "New Inn Green Farm," Sympre, near Hythe, Kent, comprising farm-house, out-buildings, four cottages, &c., 201a. 1r. 27p.; let at £306 per annum.—Sold for £8,700.

Freehold House and Business Premises, No. 34, Lime-street, City; let at £192 per annum.—Sold for £4,740.

Freehold House and Premises, No. 9, Cullum-street, Fenchurch-street; let at £46 per annum.—Sold for £1,100.

Freehold House and Shop, No. 10, Cullum-street; let at £83 per annum.—Sold for £1,540.

Freehold House and Shop, No. 11, Cullum-street; let at £99 : 13 : 0 per annum.—Sold for £1,510.

Leasehold, Two Cottages, near Bohun-lodge, Enfield; let at £6 per annum; held for 89 years from December, 1787; ground-rent, 5s. per annum.—Sold for £75.

By Messrs. Rushworth & Jarvis.

Freehold Residence, No. 31, Brixton-place, Brixton; let at £40 per annum.—Sold for £710.

Freehold Residence, No. 2, Queenhith, Upper Thames-street; let at £35 per annum.—Sold for £100.

By Messrs. Gadsden, Winterflood, & Ellis.

Leasehold Houses and Shops, Nos. 193 & 194, Great Dover-street, Borough; let at £70 per annum; term, 65 years from Sept. 29, 1830; ground-rent, £14 : 16 : 0.—Sold for £400.

Leasehold Houses and Shops, Nos. 198 & 199, Great Dover-street; let at £64 per annum; same term; ground-rent, £10.—Sold for £360.

Leasehold Houses and Shops, Nos. 200 & 201, Great Dover-street; let at

£87 per annum; same term and ground-rent as preceding.—Sold for £350.

Leasehold Improved Ground-rent of £10 : 9 : 0 per annum, arising from Nos. 1 & 7, Cole-street North, 5 & 6, Violet-place, and 9, Warren-place; term, 56 years from September, 1834.—Sold for £100.

Leasehold, Two Dwelling-houses in Swan-place, Old Kent-road, and Six Cottages in the rear; let on lease at £30 per annum; term, 94 years from Michaelmas, 1794.—Sold for £300.

Freehold Dwelling-house, No. 9, Grange-walk, Bermondsey; let on lease at £15 : 10 : 0 per annum.—Sold for £220.

Freehold, Two Houses in Swan-street, Town Malling, Kent; let at £26 per annum.—Sold for £440.

By Messrs. LOCKWOOD, LOCKWOOD, & STAMP.

Leasehold House and Shop, No. 62, Edgware-road, Marylebone; held for 62 years from Michaelmas, 1859; ground-rent, £3 : 3 : 0 per annum; let at £100 per annum.—Sold for £1,900.

By Messrs. WINSTANLEY.

Freehold Houses, with shops, Nos. 30 & 31, High-street, Aldgate, with plot of ground in the rear thereof.—Sold for £6,420.

Freehold Houses, Nos. 2 & 3, Brunswick-place, Ball's Pond-road, Islington; let on lease at a ground-rent of £12 per annum.—Sold for £290.

By Mr. S. COLLIER.

Freehold Farm, Dagenham, Essex, comprising residence, barns, stabling, sheds, &c., with 40a. 2r. 0p. of land.—Sold for £2,310.

By Messrs. GREEN & SON.

Freehold Houses, Nos. 1 to 4, York-street, Rotherhithe; let at £37 : 4 : 0 per annum.—Sold for £480.

Freehold Residences, Nos. 6 to 8, Swan-lane, Rotherhithe; let at £55 per annum.—Sold for £435.

By Messrs. HOOD & SON.

Improved Rent of £13 per annum, secured upon No. 118, Great Titchfield-street, Oxford-street; term, 36 years from October, 1833.—Sold for £60.

Leasehold House and Shop, No. 1, Margaret-court, Cavendish-square; net rental, £37 per annum; term, 39 years from June, 1832.—Sold for £130.

Leasehold House, No. 76, Great Portland-street; let at £65 per annum.—Sold for £410.

Leasehold House and Shop, No. 13, Mortimer-street, Cavendish-square.—Sold for £380.

Leasehold House and Shop, No. 14, Mortimer-street, Cavendish-square.—Sold for £350.

Leasehold Houses and Shops, Nos. 15 & 16, Mortimer-street, Cavendish-square.—Sold for £580.

Leasehold Dwelling-house, No. 49, Mortimer-street, Cavendish-square.—Sold for £270.

Leasehold House and Shop, No. 146, Oxford-street.—Sold for £1,300.

Leasehold Houses and Shops, Nos. 147½ & 148, Oxford-street.—Sold for £2,050.

Leasehold Houses and Shops, Nos. 158 & 159, Oxford-street.—Sold for £2,050.

Leasehold House and Shop, No. 37, Edgware-road.—Sold for £270.

Leasehold House and Shop, No. 73, Edgware-road.—Sold for £360.

Leasehold Residence, No. 30, Aberdeen-place, Maida-hill.—Sold for £450.

An Improved Ground-rent of £50 : 4 : 0 per annum, arising from Nos. 14 to 19, High-street, Portland-town; term, 41 years.—Sold for £860.

Leasehold House and Shop, No. 61, High-street, Portland-town.—Sold for £100.

Leasehold Ground-rent of £40 per annum, arising from Nos. 38 & 39, Hertford-street, May-fair; term, 5 years.—Sold for £120.

Freehold House and Shop, No. 11, North-row, Walham-green, Fulham; let at £18 per annum.—Sold for £230.

By FRANCIS FULLER & Co.

Freehold Building Land, with two Dwellings thereon, near the Derby Arms, Croydon, 4a. 0r. 34p.—Sold for £1,950.

Freehold Plot of Building Land, on the road from Croydon to Norwood 1a. 1r. 30p.—Sold for £350.

Freehold, fifteen Plots of Building Land, Gloucester-road, Croydon.—Sold at from £62 to £78 per plot.

Freehold Building Land, Wellesby-road, Croydon, 3a. 1r. 22p.—Sold for £760.

Freehold Building Land, Poplar-walk, Croydon, 2r. 10p.—Sold for £500.

Freehold, 2r. 29p. of Coppice Land, with Timber thereon, near Sanderstead Bridge, Sanderstead.—Sold for £110.

Freehold, 1a. 0r. 0p. of Coppice Land, with Timber thereon, close to Caterham Junction, Coulsdon.—Sold for £210.

Freehold Meadow Land, near the Red Lion Inn, and Stoat's Nest Station, 3a. 0r. 21p.—Sold for £450.

Freehold Land, 4a. 1r. 16p., near the Horley Station, fronting High-road.—Sold for £230.

Freehold Plot of Land adjoining the above, 1a. 0r. 23p.—Sold for £70.

Freehold Building Land, 1a. 0r. 16p., near the Chequers Inn and Horley Station.—Sold for £36.

Freehold, 1a. 2r. 2p., Meadow Land, Worth, Sussex.—Sold for £370.

Copyhold, 14a. 1r. 13p., Building Land, Redhill Station.—Sold for £3,400.

Copyhold, 13a. 1r. 25p., Building Land, Avenue-road, Redhill.—Sold for £3,400.

Copyhold, 3a. 2r. 14p., Building Land, near West-street, Reigate.—Sold for £850.

Freehold Building Land, 4a. 1r. 27p., fronting Turnpike-road, Reigate.—Sold for £1,400.

Freehold Building Land, 3a. 3r. 21p., fronting Turnpike-road, Reigate.—Sold for £700.

Freehold Building Land, 2a. 0r. 0p. fronting High-road, Reigate.—Sold for £180.

Freehold Building Land, 2a. 2r. 38p., fronting High-road, Reigate.—Sold for £170.

Freehold Building Land, 1a. 2r. 9p., adjoining the Central Junction Station, Upper Norwood.—Sold for £1,430.

AT GARRAWAY'S—By Messrs. BLAKE.

Freehold Dwelling-house and Premises, No. 90, South-end, Croydon.—Sold for £135.

Leasehold Dwelling-house, Nos. 14 & 15, Stonefield-street, Islington; let at £35 per annum; term, 45½ years from Midsummer next; ground-rent, £9 : 10 : 6.—Sold for £315.

By Mr. HUMPHREYS.

Freehold Residence and Grounds, east side of the High-road, Hoddesdon, Herts; let on lease at £100 per annum.—Sold for £1,510.

Freehold Residence, High-road, Hoddesdon; let at £35 per annum.—Sold for £410.

Freehold Bungalow Farm, Silchester and Mortimer, Hants, comprising cottage residence, outbuildings, &c., and 63a. 2r. 8r. land.—Sold for £3,740.

Freehold (Two) Enclosures of Arable Land, on the road from Strathfieldsaye to Mortimer, 7a. 2r. 8r.—Sold for £300.

Freehold, Mortimer, Hants; a farm cottage, agricultural buildings, and 44a. 3r. 22r. land.—Sold for £1,300.

By Messrs. GADSDEN, WINTERFLOOD, & ELLIS.

Leasehold Residence, No. 4, Hyde-park Gate, Lower Kensington Gore; let at £230 per annum; term, 84 years from Lady-day last; ground-rent, £25 per annum.—Sold for £3,150.

Leasehold Residence, No. 9, King Edward's-road, Hackney; let at £53 per annum; term, 64 years from Lady-day last; ground-rent, £6 : 16 : 0 per annum.—Sold for £465.

By Mr. RICHARD MOSS.

Copyhold, the King's Head-inn, Longford, Middlesex, together with stabling, outbuildings, meadow land, &c., in all 14a.—Sold for £1,360.

By Mr. E. LUMLEY.

Freehold House, No. 3 Whitecross-place, Wilson-street, Finsbury; let at £24 per annum.—Sold for £170.

The Lease, goodwill, stock, and effects of the Temple and St. Clement's Cigar Stores and Billiard Rooms, No. 263 Strand.—Sold for £450.

Freehold Business Premises with Dwelling-house over, and plot of Ground in the rear, No. 16, New-road, Gravesend, Kent.—Sold for £325.

By Mr. JOHN HEALY.

A Policy of Insurance for the sum of £350, effected July, 1851, in the National Loan Fund Life Office, on the life of a gentleman now aged 43 years.—Sold for £15.

The absolute Reversion to one child of £1800 sterling, and to one-third of a plot of freehold land, with two houses thereon, Nos. 32 & 33, Stafford-street, Walsall, receivable on the death of a lady aged 72.—Sold for £310

By Messrs. FAREBROTHER, CLARK, & LYE.

Leasehold Improved Ground-rent of £51 per annum, arising from Nos. 170 to 177, Waterloo-road, eight houses Legrand-place, Nos. 69 to 70 Upper Stamford-street, and 76 & 78, Cornwad-road; term expires April, 1909; rack-rents £1,900, with about 24 years' reversion.—Sold for £1,650.

Improved Ground-rent, £36 per annum, arising from Nos. 71 to 85, Stamford-street; same term; rack-rents, £750, about 24 years' reversion.—Sold for £960.

Improved Ground-rent, £13 per annum, arising from Nos. 60 & 61 Upper Stamford-street, and Nos. 178 & 179, Waterloo-road; rack-rents, £220, about 22 years' reversion; term, same as above. Also, leasehold house, No. 59, Upper Stamford-street; estimated value, £60 per annum; same term; ground-rent, £10.—Sold for £850.

Improved Ground-rent, £25 per annum, arising from Nos. 20 to 38, Johnstreet; same term; rack-rents, £400, about 26 years' reversion.—Sold for £550.

Freehold Residence and gardens, Ewell, Surrey; let at £34 : 4 : 0 per annum.—Sold for £400.

Freehold Houses and Shops, Nos. 1 & 28, Harp-alley, Fleet-street; let at £90 per annum.—Sold for £1,210.

Freehold House and Shop, No. 14, Shoe-lane, Fleet-street; let at £40 per annum.—Sold for £670.

Freehold, The Bolthy and Thirlby Estates, Felixkirk, North Riding, Yorkshire, comprising several farms, with buildings, &c., thereon, plantation, woods, and cottages, about 860 acres, and producing £1,110 : 10 : 0 per annum.—Sold for £31,700.

Leasehold Improved Rent of £80 per annum, arising out of No. 23, Golden-square, and premises in the rear; term, 800 years from Michaelmas, 1788, at £86 per annum.—Sold for £1,600.

Freehold Baker's Shop, No. 360, Rotherhithe-wall; let at £12 : 10 : 0 per annum.—Sold for £300.

Freehold Waterside Premises, Rotherhithe-wall; let at £30 per annum.—Sold for £400.

Freehold, Three Houses and Shops, Nos. 23 to 25, Broadway, Deptford; let at £40 : 12 : 0 per annum.—Sold for £930.

Freehold House and Shop, No. 5, Church-row, Deptford; let at £8 per annum.—Sold for £115.

Freehold Houses, Nos. 6 & 7, Pleasant-row, High-street, Deptford; let at 18 guineas per annum each.—Sold for £640.

Freehold, Nos. 8 & 9, Pleasant-row; let at £42 per annum.—Sold for £980.

Freehold House, No. 13, Pleasant-row; let at £25 per annum.—Sold for £370.

Leasehold House and Shop, No. 13, Nelson-street, Greenwich; term, 53 years from June, 1827; ground-rent, £20 : 10 : 0 per annum; let on lease at £70 per annum. Sold for £610.

By Messrs. WARLTERS & LOVEJOY.

Freehold, "The Castle Hotel," High-street, Windsor; let on lease at £300 per annum.—Sold for £4,300.

By Messrs. DEAN & HUDSON.

Lease and Goodwill of the "Salutation" Public-house, Beresford-square, Woolwich; also two cottages, a tenement, and plot of ground; held for seven years from Midsummer next, at £150 per annum.—Sold for £2,050.

By Messrs. BARTON & SON.

Leasehold Dwelling-house, No. 6, Hanover-square, Kennington-road; estimated value, £30 per annum; term, 86 years from Midsummer next; ground-rent, £6.—Sold for £335.

Lease and Goodwill, Public-house, the Railway Hotel, Wandsworth, Surrey; held for 82 years from March next; rent, £60 per annum.—Sold for £750.

By Messrs. GREEN, HANSLEY, & GREEN.

Freehold Residence and Grounds, Derwentwater House, Acton, Middlesex, the whole about 9½ acres; let on lease at £200 per annum.—Sold for £4,600.

By Messrs. DAVIS & VENNER.

Freehold, the whole of Laurence Pountney-place, No. 6, Laurence Pountney-hill, &c.; let at £433 per annum.—Sold for £12,500.

Freehold Residence, No. 4, Laurence Pountney-hill; let at £40 per annum. Sold for £1,500.

Leasehold Residences, Nos. 39 and 41, Holywell-street, Millbank-street Westminster; let at £64 per annum; term, 50 years unexpired; ground-rents, £14 per annum.—Sold for £540.

Leasehold Residence, No. 3, Stafford-street, or Stafford-place, Westminster; let at £50 per annum; term, 31 years from Lady-day last; ground-rent, £8 : 15 : 0 per annum.—Sold for £350.

Lease and Goodwill of a Butcher's Shop, with residence, No. 9, Northampton-row, Holloway; held for two years from June 24 inst., at £40 per annum.—Sold for £15.

Freehold Plot of Building Land, on the Blythe Lane estate of the West London Land Society, at Hammersmith.—Sold for £20.

Freehold corner Plot of Building-ground, on the Cottenham-park estate of the West London Land Society, at Wimbledon, Surrey.—Sold for £10.

Leasehold Houses, Nos. 1 to 20, Charlotte-terrace, Lyham-road, King's-road, Clapham-park; rental, £410 per annum; term, 65 years; ground-rent, £23 per annum.—Sold for £1,900.

Leasehold Residence, No. 24, Northumberland-place, Richmond-road, Westbourne-grove; let at £38 per annum; term, 87 years from Lady-day, 1859; ground-rent, £6.—Sold for £250.

Leasehold Residence, No. 65, James'-terrace, Regent's-park, with stable and coach-house in the rear; let on lease at £110 per annum; term, 40 years unexpired; ground-rent, £25 per annum.—Sold for £900.

A Policy of Assurance for £500 effected in the Medical, Invalid, and General Life Assurance Society, on the life of a Gentleman in his 35th year.—Sold for £16 : 16 : 0.

By Mr. Robert Reid.

Freehold Residence, Sidney House, No. 9, High-street, Stoke Newington; also a plot of ground adjoining; let at £100 per annum.—Sold for £1,300.

By J. Dawson & Son.

Freehold Plot of Building Land, adjoining Elm Lodge, Surbiton, Kingston on Thames, 1a. 0r. 27p.—Sold for £450.

By Mr. James Stevens.

Freehold House and Premises, No. 4, Swan-lane, Rotherhithe; let at £7 per annum.—Sold for £105.

Freehold House and Premises, No. 18, Swan-lane; let at £7 : 10 : 0 per annum.—Sold for £95.

By Mr. J. Peake.

Leasehold Houses, Nos. 9 & 10, Perseverance-street, Bermondsey; let at £33 : 16 : 0 per annum; term, 27 years from Midsummer, 1859; ground-rent, 4 guineas.—Sold for £120.

Leasehold, the "Druid's Head," Ale House, Druid-street, Bermondsey, with Dwelling House adjoining; let at £35 : 12 : 0; term, 46½ years from Midsummer, 1859; ground-rent, £4 per annum.—Sold for £300.

Freehold, four Tenements, Etherington's-court, Morgan's-lane, Tooley-street, and two in Brewer's Alley; let at £62 : 8 : 0 per annum.—Sold for £400.

Leasehold Ale House, the "Jolly Anglers," Angler's-terrace, Peckham; let at £26 per annum; term, 37 years from Midsummer, 1859; ground-rent, £5 : 5 : 0.—Sold for £225.

Leasehold Dwelling Houses, Nos. 1, 2, & 3, Angler's-terrace; let at £42 : 18 : 0 per annum; same term; ground-rent, £4 : 10 : 0.—Sold for £310.

Leasehold Houses, Nos. 4 & 5, Angler's-terrace; let at £27 : 6 : 0 per annum; same term; ground-rent, £3.—Sold for £160.

Leasehold, Nos. 6 & 7, Angler's-terrace; let at £28 : 12 : 0.—Sold for £140.

Leasehold, Nos. 8 & 9, Anglers-terrace; let at £28 : 12 : 0.—Sold for £140.

By Mr. George Goulbsmith.

Leasehold House and Shop, No. 7, High-street, Sutton, Surrey; term, 98 years from Lady-day, 1856; ground-rent, £7 : 10 : 0.—Sold for £355.

Leasehold House and Shop, No. 8, High-street, Sutton; same term and ground-rent; let at £45 per annum.—Sold for £345.

Leasehold Residence, No. 1, Benhill-street-villas, Sutton; term, 99 years from Michaelmas, 1858; ground-rent, £5; estimated value, £30 per annum.—Sold for £140.

Leasehold, No. 5, Benhill-street-villas; same term; ground-rent, £10 per annum; estimated yearly value, £50.—Sold for £320.

By Mr. Murrell.

Leasehold Houses, Nos. 15 & 16, Suffolk-street, Battle-bridge; let at £34 : 10 : 0 per annum; term, 70 years from Christmas, 1814; ground-rent, £12 : 12 : 0 per annum.—Sold for £240.

Leasehold Residence, No. 17, Hemingford-cottages, Hemingford-road, Islington; let at £35 per annum; term, 98 years from June, 1844; ground-rent, £6.—Sold for £345.

Leasehold Houses, Nos. 10 & 11, Upper Copenhagen-street, Islington; let at £72 per annum; term, 70 years from Christmas, 1824; ground-rent, £14 per annum.—Sold for £490.

Leasehold House and Shop, No. 47, Exmouth-street, Clerkenwell; let at £48 per annum; term, 98 years from December, 1817; ground-rent, £8 : 10 : 0 per annum.—Sold for £435.

Leasehold Residence, No. 12, Mornington-road, Regent's-park; let at £55 per annum; term, 98 years from March, 1841; ground-rent, £5 per annum.—Sold for £580.

An Improved Ground-rent, of £22 per annum, arising from Nos. 2 to 16, Macclesfield-place, York-road, City-road; term, 98½ years from March, 1824.—Sold for £190.

By Mr. Briant.

Leasehold Residence, No. 41, Charrington-street, St Pancras; let at £40 per annum; term, 78 years from June, 1845; ground-rent, 5 guineas.—Sold for £435.

Leasehold House and Shop, No. 3, Wansford-place, Oakley-square; let at £50 per annum; term 99 years from June, 1844; ground-rent, £7 : 10 : 0.—Sold for £450.

Leasehold Residence, No. 10, Oakley-square, St. Pancras; let at £66 per annum; term, 99 years from September, 1847; ground-rent, £14 per annum.—Sold for £790.

Leasehold Residence, No. 1, Eton-terrace, Haverstock-hill, estimated value £70 per annum; term, 99 years from September, 1838; ground-rent, 5 guineas.—Sold for £690.

Leasehold Residence, No. 2, Eton-terrace; same term and ground-rent; estimated value, £60 per annum.—Sold for £610.

Leasehold Residences, Nos. 43 & 44, Mornington-road, Regents-park; annual value, £60 per house; term, 97 years from September, 1842; ground-rent, £5 : 7 : 0 each per annum.—Sold for £740 each.

Leasehold Residence, No. 36, Johnson-street, St. Pancras; let at £36 per annum; term, 63½ years from June, 1821; ground-rent, £9 : 9 : 0.—Sold for £110.

London Gazettes.

Commissioners to administer Oaths in Chancery.

Tuesday, *June* 28, 1859.

Gibson, George, Gent., Sittingbourne, Kent.

Walmisley, Edward, Gent., 25 Abingdon-st., Westminster.

Friday, *July* 1, 1859.

Aston, William, Gent., Hereford; for persons professing the Jewish religion.

Hill, Walter, Gent., Leamington Priors, Warwickshire; for persons professing the Jewish religion.

Walmisley, Edward, Gent., 25 Abingdon-st., Westminster.

Perpetual Commissioners for taking the Acknowledgments of Married Women.

Tuesday, *June* 28, 1859.

Pike, John, Gent., Old Burlington-st.

Friday, *July* 1, 1859.

Smith, Thomas Henry, Gent., Frederick's-place, Old Jewry, London.

Professional Partnerships Dissolved.

Tuesday, *June* 28, 1859.

Capern, Richard, & E. G. Aylife, Attorneys & Solicitors, Holbeach, Lincolnshire; by mutual consent. June 20.

Friday, *July* 1, 1859.

Fenwick, John, & J. W. Mayson, Attorneys, North Shields, by mutual consent. June 29.

Bankrupts.

Tuesday, *June* 28, 1859.

Aston, John, Maltster, Birmingham. *Com.* Sanders: July 8 and 29, at 11; Birmingham. *Off. Ass.* Whitmore. *Sol.* Suckling, Birmingham. *Pet.* June 25.

Bartram, Benjamin Robinson, Tile Merchant, Banbury. *Com.* Fitzblanque: July 13, at 2; and Aug. 6, at 12; Basinghall-st. *Off. Ass.* Stansfeld. *Sols.* Rogerson & Ford, 31 Lincoln's-inn-fields; and Smith, Gloucester. *Pet.* June 25.

Brady, Edward Clarke, Grocer, Lutford, Lincolnshire. *Com.* Ayrton: July 13 & Aug. 10, at 12; Kingston-upon-Hull. *Off. Ass.* Carrick. *Sols.* Brown & Son, Lincoln. *Pet.* June 27.

Clubley, Francis, Draper, Whitefriargate, Kingston-upon-Hull. *Com.* Ayrton: July 13 & Aug. 10, at 12; Kingston-upon-Hull. *Off. Ass.* Carrick. *Sols.* Cooper, Manchester; or Wells & Smith, Kingston-upon-Hull. *Pet.* June 14.

Marks, Bearow, & Edward Samuel Franklin, Woollen Merchants, Birmingham. *Com.* Sanders: July 8 & 29, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* Wright & Baker, Birmingham. *Pet.* June 24.

Phillips, William, Leather Cutter, Norwich. *Com.* Holroyd: July 13, at 12.30; and Aug. 16, at 1; Basinghall-st. *Off. Ass.* Edwards. *Sol.* Jay, 14 Bucklersbury. *Pet.* June 24.

Swift, Thomas, Grocer, Sheffield. *Com.* West: July 9 & Aug. 6, at 12; Sheffield. *Off. Ass.* Brewin. *Sols.* Smith & Burdekin, Sheffield. *Pet.* June 25.

Wooldridge, James, Fellmonger, Lincoln. *Com.* Ayrton: July 6 & Aug. 3, at 12; Kingston-upon-Hull. *Off. Ass.* Carrick. *Sol.* Tweed, Lincoln. *Pet.* June 22.

Friday, *July* 1, 1859.

Armitstead, James, Grocer, Burnley. July 12, and Aug. 2, at 11; Manchester. *Off. Ass.* Fraser. *Sols.* Cobbett & Wheeler, Manchester. *Pet.* June 23.

Carter, Thomas, Grocer, Woburn, Bedfordshire. *Com.* Goulburn: July 13, and Aug. 15, at 11; Basinghall-st. *Off. Ass.* Nicholson. *Sol.* Banfield, 14a Philpot-lane. *Pet.* June 28.

Cross, Robinson, Grocer, Hagworthingham, Lincolnshire. *Com.* Ayrton: July 13, and Aug. 10, at 12; Kingston-upon-Hull. *Off. Ass.* Carrick. *Sols.* Brackenbury, Alford; or Ongland & Saxelbye, Kingston-upon-Hull. *Pet.* June 27.

Frankland, William, Shopkeeper, Morley, Cheshire. July 15, and Aug. 5, at 11; Manchester. *Off. Ass.* Herriman. *Sol.* Roberts, Oldham. *Pet.* June 28.

Goldsmith, Lyon, Cigar Dealer, 9 Finsbury-pavement, and 29 B. Swithin's-lane. *Com.* Goulburn: July 13, and Aug. 15, at 12; Basinghall-st. *Off. Ass.* Pennell. *Sol.* Reed, 1 Guildhall-chambers. *Pet.* June 20.

Kirton, Benjamin, Builder, Woodford, Northamptonshire. *Com.* Fane: July 14, at 12.30; and Aug. 12, at 11.30; Basinghall-st. *Off. Ass.* Graham. *Sols.* West, 3 Charlotte-row; or Murphy & Sharman, Wellingborough. *Pet.* June 25.

Marks, Bearow (and not Bearow Marks, as previously advertised), and Edward Samuel Franklin, Woollen Merchants, Birmingham. *Com.* Sanders: July 8 & 29, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* E. & H. Wright, Birmingham; or Baker, Birmingham. *Pet.* June 24.

Schloezer, Charles, Merchant, 43 Moorgate-st. (Charles Schloezer & Co.) *Com.* Fane: July 15, at 12.30; and Aug. 19, at 1; Basinghall-st. *Off. Ass.* Whitmore. *Sol.* Jerwood, 17 Ely-pl., Holborn. *Pet.* June 25.

Shedden, John Green, Woollen Draper, Birmingham. *Com.* Sanders: July 11, and Aug. 1, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* W. & B. Robinson, Dudley; or James & Knight, Birmingham. *Pet.* June 25.

BANKRUPTCIES ANNULLED.

Tuesday, *June* 28, 1859.

Foster, Marmaduke, Bill Broker, Bradford. June 25.

Friday, *July* 1, 1859.

Cross, Robinson, Grocer, Hagworthingham, Lincolnshire. *June* 22.

Ossard, Robert Henry, Lead Merchant, 98 Old-st.-rd. June 16.

Wrathall, Stephen, Cattle Dealer, Linton, Yorkshire. May 27.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, *June* 28, 1859.

ARKLE, JAMES, Currier, Sunderland. July 21, at 12; Newcastle-upon-Tyne.

HARVFIELD, WILLIAM, Merchant, late of Constantinople, afterwards of Old Hall, Liverpool, now of Cockspur-st., Haymarket (William Hadfield & Co.) July 20, at 12.30; Basinghall-st.

PRICE, JAMES BRENT, Mercer, Horsham, Sussex, now of Leicester. July 19, at 11.30; Nottingham.

RAYLTY, JOSEPH VAN, jun., Warehouseman, 4 Gloucester-ter., Hoxton. July 20, at 1; Basinghall-st.

SAMAN, CHARLES, & HENRY KEES, Silk Manufacturers, 31 Milk-st., Cheapside (Seaman & Kees). July 20, at 12.30; Basinghall-st.

SCHENK, WILLIAM, Merchant, Royal Exchange-buildings, Port Wallace, Nova Scotia, and St. John's, Newfoundland. July 20, at 12; Basinghall-st.

SHAW, JAMES, Cloth Merchant, Huddersfield. July 25, at 11; Leeds.

SLADE, JOHN, & JAMES TALLY VIVIAN, Attorneys, Yeovil. Sep. est. of each and est. of firm. July 26, at 12; Exeter.

TICKELL, HENRY REMINGTON, Brewer, 70 Mark-lane, and Roydon, Essex. July 20, at 11.30; Basinghall-st.

WORSEY, EDWARD, Grocer, Porto Bello, Stafford. July 21, at 11; Birmingham.

FRIDAY, *July* 1, 1859.

CROUDACE, JOHN, Cheesefactor, Kingston-upon-Hull, Aug. 3, at 12; Kingston-upon-Hull.

EASTHAM, JAMES, & JOSEPH ELLIOTT LAWLESON, Calico Printer, 3 Little Carter-lane, and Phippe Bridge, Mitcham. July 23, at 1.30; joint estate and separate estate of James Eastham.

LISTER, HENRY, Grocer, Birmingham. July 26, at 11; Birmingham.

PEEL, PETER, Grocer, Birmingham. July 26, at 11; Birmingham.

HAWSON, JOSEPH, Grocer, Halifax. July 22, at 11; Leeds.

HAYHILL, ALEXANDER, & JOHN M'KEAN, Woollen Merchants, Huddersfield. July 22, at 11; Leeds.

HILL, ABRAHAM, Grocer, Bradford. Aug. 2, at 11; Leeds.

HODGSON, THOMAS, Bookseller, Aldine-chambers, Paternoster-row. July 22, at 1; Basinghall-st.

LEBO, FAMAGOTTI DEMETRIUS, Merchant, 1 Great Winchester-st. (Camilleri, Lebo, & Co.) July 22, at 12; Basinghall-st.

MIDDLETON, THOMAS, Gasfitter, Sheffield. July 23, at 10; Sheffield.

SIDDELL, ROBERT, Edge Tool Manufacturer, Sheffield. July 23, at 10; Sheffield.

SMITH, GEORGE, Tailor, Liverpool. July 27, at 11; Liverpool.

SYMONS, JOHN, Commission Agent, Manchester (John Symons & Co.) July 29, at 12; Manchester.

TAYLOR, WILLIAM, sen., WILLIAM TAYLOR, jun., & HENRY TAYLOR, Linen Manufacturers, Barnsley. Aug. 2, at 11; Leeds; sep. est. W. Taylor, sen.

TURNER, HENRY, Maltster, Warsop, Nottingham. July 23, at 10; Sheffield.

WATKINSON, JOSEPH, West Bromwich, & WILLIAM JEFFRIES, Compton, Staffordshire, Iron Masters (Phœnix Iron Co.) July 25, at 11; Birmingham.

WHITTAM, JOHN, jun., Woollen Cloth Manufacturer, Small-lane, Huddersfield. Aug. 3, at 11; Leeds.

CERTIFICATES.

To be ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *June* 28, 1859.

ASH, GUNNER ANTHON MARTIN, Ship Broker, 19 Colchester-st. late of 10 Basinghall-st. (Windle & Co.) July 20, at 1.30; Basinghall-st.

COX, JAMES ORMOND, Bigger, Montague-pl., Poplar, late of Orchard-st., Poplar. July 19, at 1; Basinghall-st.

HOPKINS, JOHN HOUGHTON, Saddler, Swinefleet, Yorkshire. June 26, at 11.30; Leeds.

WYATT, JOHN, Licensed Victualler, Chipping Campden. July 19, at 11; Bristol.

FRIDAY, *July* 1, 1859.

BIRD, HERBERT, Grocer, Sheffield. July 23, at 10; Sheffield.

CONSTANTINE, EDWARD, Bottle Merchant, Dowgate Wharf, 53 Upper Thames-st. July 25, at 11.30; Basinghall-st.

COX, GEORGE, & GEORGE COX, jun., Butchers, 9 Northampton-row, Holloway. July 22, at 1; Basinghall-st.

DAVIS, FREDERICK, Hairdresser, 4 & 5 Grosvenor-pl., Belcombe Regis, Devonshire. July 25, at 12; Exeter.

HOWARD, JOSEPH, Tanner, Grange-rd., Bermondsey. July 25, at 1.30; Basinghall-st.

TIBBITS, ROBERT, Gas Chandelier Manufacturer, Birmingham. July 29, at 11; Birmingham.

To be DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *June* 28, 1859.

BARNES, JOHN WESTON, Carman, 11 Well-st., Wellclose-sq., and 13 Johnst., Minories. June 21, 2nd class.

COWAN, JOSEPH, Commission Merchant, Liverpool. June 21, 2nd class.

FOYCE, THOMAS, Butcher, 29 Weymouth-st., Portland-pl. June 13, 2nd class.

FAIRLEVER, JOSEPH, Flour Dealer, Liverpool. June 21, 2nd class.

GODDARD, GEORGE, Licensed Victualler, Berwick-st., and Little Newport-st. June 21, 2nd class; to be suspended 4 months.

GOODWIN, EDWARD, Lace Manufacturer, Manchester. June 21, 3rd class; to be suspended 9 months.

HARDY, JAMES, & JOHN HARDY, Flour Dealers, Bolton-le-Moors (J. & J. Hamer). June 21, 1st class.

LANGDALE, JOHN, Innkeeper, Brompton, Yorkshire. June 21, 3rd class; to be suspended 21 days.

MORTON, THOMAS, Grocer, 71 Park-pl.-ter., Paddington, late of 5 Maida-hill East. June 13, 3rd class; to be suspended 6 months.

SMITH, CHARLES, Hiller, Bidwell, Nottinghamshire. June 21, 3rd class.

FRIDAY, *July* 1, 1859.

BANASTER, GEORGE HOWARACH, Tailor, Oldbury, Worcestershire. June 14, 2nd class.

BOOT, EDWARD, Furniture Dealer, High-st., Ramsgate. June 16, 2nd class; to be suspended 6 months.

MORRIS, JAMES, Builder, 15 Gt. Coram-st., Brunswick-square, late of 4 Euston-pl., Euston-sq. June 23, 2nd class.

REED, JOHN WEBBER, Grocer, Ottery St. Mary, Devonshire. June 24, 3rd class; to be suspended 12 months; protection after first 3 months.

SHAKESPEARE, THOMAS, Harness Furniture Manufacturer, Birmingham. June 24, 2nd class.

STUART, JOHN, Clog Manufacturer, Birmingham. June 24, 2nd class.

TOMLINSON, WILLIAM JAMES, & MICHAEL LAWRENCE DELAHAY, Collar Manufacturer, Manchester (W. J. Tomlinson & Co.) June 24, 2nd class.

Assignments for Benefit of Creditors.

TUESDAY, *June* 28, 1859.

BARRETT, WILLIAM, Builder, Northampton. June 9. *Trustee*, R. Hill, Ironmonger, Northampton; S. Green, Bricklayer, Northampton. *Sol.* Becke, Northampton.

HARTLEY, WILLIAM, & GEORGE HARTLEY, Worsted Spinners, Bradford. June 21. *Trustees*, R. Milligan, jun., and W. Holmes, Commission Agents, Bradford. *Sols.* Terry, Watson, & Watson, Bradford.

TURNER, JOHN, Draper, Brighton. June 8. *Trustee*, G. T. Stoddard, Warehouseman, Wood-st.; W. Morley, Warehouseman, Cutler-lane. *Sols.* Boxall, Brighton; Mason & Sturt, Gresham-st.

FRIDAY, *July* 1, 1859.

ANN, ISAAC, Bookseller, Swindon, Wilts. June 11. *Trustees*, W. C. Simmons, Wholesale Stationer, St. Botolph, Bishopsgate; J. Toomer, Coal Merchant, Swindon. Creditors to execute before Sept. 11. *Sols.* Bradford, Swindon; Crosby, 3 Church-court, Old Jewry.

BALDOCK, WILLIAM, Innkeeper, Louth. June 6. *Trustees*, T. Eyting, Merchant, Louth; G. Sutton, Merchant, Louth; H. Winking, Farmer, South Thoresby; J. Bailey, Farmer, Theddlethorpe, All Saints; T. Overton, Merchant, Louth; J. East, Merchant, Louth. *Sol.* Tweedy, jun., Louth.

DODD, WILLIAM, jun., Blacksmith, Grafton, Salop. June 9. *Trustee*, R. Jackes, Ironmonger, Shrewsbury. *Sols.* Baugh, Shrewsbury; Rough & Son, Shrewsbury.

GROMAN, GEORGE, Linen Draper, Trowbridge. June 11. *Trustee*, W. Jones, Gent., Whitford, Flintshire; W. Morley, Warehouseman, Cutler-lane. *Sol.* Collins, Trowbridge; Turner, Aldermanbury.

GIBSON, JAMES, Builder, South Shields. June 22. *Trustee*, J. Mount, Builder, South Shields; J. Place, Builder, North Shields. *Sol.* Crawford, North Shields.

LEVY, ABRAHAM, Outfitter, 5 Thrift-st., South Shields. June 28. *Trustee*, J. Cohen, Outfitter, North Shields. Creditors to execute before Sept. 28. *Sols.* Lloyd & Kearsey, North Shields.

MEAD, GEORGE, Ironmonger, 13 Hereford-pl., Commercial-rd. June 24. *Trustees*, R. Leddell, Merchant, 41 London-wall; J. Mead, Iron Plate Worker, Trolway Works, Bethnal-green-rd. Creditors to execute on or before Aug. 24. *Sols.* Fisher, Market Harborough; and Boyce, Abchurch-lane.

PLAYNE, EDWIN, Slate Merchant, Bordesley-st., Birmingham. June 14. *Trustees*, C. Walker, Timber Merchant, Gloucester; W. Necks, Timber Merchant, Gloucester. *Sol.* Taynton, Gloucester.

WHITHAM, BENJAMIN, Ironmonger, Warrington, Lancashire. June 10. *Trustees*, D. M'Leish, Factor, Birmingham; G. Lowe, Commercial Traveller, Warrington. Creditors to execute on or about Aug. 10. *Sol.* Hodgson, Birmingham.

Creditors under Estates in Chancery.

Last Day of Proof.

TUESDAY, *June* 28, 1859.

BAKER, ELIAS, Hackland, Devonshire (who died in or about the month of July, 1855). Hine v. Stevens and wife, V. C. Stuart. July 25.

BETTS, DAVID, Distiller, 1 Shaftesbury-villas, Kensington (who died in or about Jan. 7, 1858). Betts v. Betts, M. R. July 5.

CALLARD, SCAMMAN, Newsvender, 2 Norris-st., Haymarket (who died in or about the month of Aug., 1857). Tomkins and others v. Callard and Callard, V. C. Stuart. Aug. 1.

CUTHBERT, JOHN, Yeoman, late of Burgh-in-the-Marsh, Lincolnshire (who died in or about the month of Dec., 1842). Sargisson v. Winder, V. C. Kindersley. July 29.

HART, JAMES, Calico Printer, Duckinfield, Cheshire (who died on or about Oct. 7, 1851). Fothergill v. Clarke, V. C. Wood. July 29.

JONES, WILLIAM, Gent., Carmarthen (who died on or about Feb. 1, 1843). Brockman v. Jones and others, Farley v. Jones and others, V. C. Stuart. July 15.

SWINFEN, SAMUEL, Esq., Swinfen, Staffordshire (who died on or about July 26, 1854). Swinfen v. Swinfen, M. R. July 28.

FRIDAY, *July* 1, 1859.

BRADLEY, JOHN, Gent., Holmes-ter., Kentish-town (who died in or about the month of Dec. 1852). Bradley v. Bradley, M. R. July 30; or claiming any mortgage or assignment.

GOODWIN, JOHN, Gent., the Lodge, Stoke-upon-Trent (who died on or about Jan. 8, 1857). Buckhouse, jun., v. Goodwin, V. C. Wood. Aug. 2.

JONES, WILLIAM, Silversmith, Cockspur-st., Charing-cross, and 6 Bridge-row, Pimlico (who died on or about May 17, 1859). Jones v. Kenn, M. R. July 26.

LYNE, EDMUND ORMOND, Surgeon, Malmesbury, Wiltshire (who died in or about the month of Mar., 1851). Peeting & others v. Lyne & others, M. R. July 27.

PEVERELL, MARY, Finchley (who died in or about the month of Sept., 1858). Field v. Field, M. R. July 27.

PENDLETON, MARY, Spinster, Rhodes-within-Middleton, Manchester (who died in or about the month of July, 1858). Pendleton v. Hibbert & wife, Registrar for the Manchester District. July 30.

STREAT, NATHANIEL, Gent., Bicester King's End, Oxfordshire (who died on or about Oct. 24, 1844). Hadland v. Bathe and another, V. C. Kindersley. July 23.

TAYLOR, ANN, Chaddesley, Worcestershire (who died in or about the month of Dec., 1823). Bunn & wife v. Malpass & wife, M. R. July 15.

Winding-up of Joint Stock Companies.

UNLIMITED, IN CHANCERY.

TUESDAY, *June* 28, 1859.

BRITISH AND FOREIGN RELIANCE MARINE ASSURANCE COMPANY.—V. C. Wood, on July 2, at 10, and July 21, at 1, to appoint Official Manager, &c.

PLUMSTEAD, WOOLWICH, AND CHARLTON CONSUMERS PURE WATER COMPANY (LIMITED).—V. C. Kindersley, on July 14, at 1, to settle the list of Contributories.

Scotch Sequestrations.

TUESDAY, *June* 28, 1859.

AUSTIN, GEORGE, Dressing Case Manufacturer, 263 Sauchiehall-st., Glasgow. July 5, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* June 25.

CONACHER, JOHN, Auctioneer, Victoria-st., Edinburgh. July 1, at 12; Dowell's & Lyon's Sale-rooms, Edinburgh. *Seq.* June 23.

FRAITER, ROBERT, Baker, North Queensbury. July 5, at 12; Milne's-hotel, Dunfermline. *Seq.* June 24.

GARROW, WILLIAM, Steam Boat Agent, Lossiemouth. July 8, at 1; Gordon-arms-hotel, in Elgin. *Seq.* June 23.

MACKAY, HUGH, Grocer, 509 Lawnmarket, Edinburgh. July 4, at 2; Ship-hotel, Edinburgh. *Seq.* June 29.

MARSH, AUGUSTINE, & DAVID GEORGE BEATTIE, Booksellers, Edinburgh (Marsh & Beattie). June 1, at 12; Dowell's & Lyon's Rooms, Edinburgh. *Seq.* June 23.

RAMSAY, ANDREW, Surgeon, Leslie. July 6, at 10; Buist's Royal-hotel, Cupar-Fife. *Seq.* June 23.

FRIDAY, *July* 1, 1859.

AIMERS, THOMAS, Grocer, Galashiels. July 8, at 12; Salmon-inn, Galashiels. *Seq.* June 27.

CALDER, JOHN, Farmer, Coalbog, Renfrew. July 6, at 2; Black Bull-inn, Johnstone. *Seq.* June 25.

DUNN, ADAM WILLIAM, Farmer, Cleuchhead, Roxburgh. July 11, at 1; Tower-hotel, Hawick. *Seq.* June 27.

LYDE, G. F., & Co., Manufacturers, Glasgow. July 8, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* June 28.

M'ARTHUR, THOMAS, Carver, St. Enoch's-sq, Glasgow. July 8, at 12; Faculty-hall, Glasgow. *Seq.* June 28.

M'PHAIL, GEORGE, Bag Manufacturer, Glasgow. July 7, at 12; Faculty-hall, Glasgow. *Seq.* June 25.

TAYLOR, JAMES, Commission Agent, formerly in Howard-st., Glasgow, now in Hope-st. July 12, at 12; Faculty-hall, Glasgow. *Seq.* June 28.

THOMSON, JAMES, Saddler, Low Wishaw, Lanarkshire. June 8, at 3; Hamilton Arms' Inn, Hamilton. *Seq.* June 27.

THOMSON, ROBERT, Farmer, late of Sucklawridge, thereafter at Kelso, now at Cleuchhead. July 9, at 11; Tower Hotel, Hawick. *Seq.* June 27.

SOLICITORS ARE REFERRED TO PAGE 786 OF THE "LAW LIST" FOR 1859.

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THE SOLICITORS' JOURNAL.

LONDON, JULY 9, 1859.

CURRENT TOPICS.

Although Government business has hardly commenced, the two Houses have not been inactive during the past week. Lord Brougham has made an elaborate comment on the useful return which he has obtained, relative to the business of the Divorce Court, and has once more urged on the Legislature the necessity for making some provision against collusion. Lord Chelmsford has also called attention to this subject, on which we have remarked more at length in another column.

In the Commons, Mr. Collier has introduced a Bill for the repression of the indiscriminate imprisonments inflicted by the county court judges, and he carried the House completely with him in his denunciation of the folly as well as injustice of such proceedings. Like every other evil, the present system finds its advocates, but these gentlemen overlook one essential point, which the public refuse to pass by. In what respect does any advantage derived from these numerous imprisonments balance the pecuniary loss inflicted on the country? What is the estimated profit from the compulsory detention of eleven thousand persons? We have been striving for years, at immense exertion, and no small outlay, to diminish the number of criminals chargeable on the public funds, and, just as we are beginning to see some result from our labours, we find our county prisons choked with debtors from the county courts. Simple exposure has been sufficient to rouse public opinion against such an abuse of a really great reform.

Lord Chelmsford has, perhaps, been fortunate in his opposing counsel. Few people can doubt that Mrs. Swinfen was hardly used, and not many suppose that the law of England allows a barrister to hold his client's case in fee, with a right of disposal at his will and pleasure. A record framed with common sense, and a temperate speech to the jury, might have obtained the lady a verdict, and given a wholesome lesson both to judges and the bar. But Mr. Kennedy had neither temper nor sense, and seems to have gone into court less for the purpose of serving his client than of gratifying his own vindictiveness, and of showing how much talent can consist with blind malignity. Not a tittle of evidence was forthcoming to support the grave charges of fraud and collusion against Lord Chelmsford and Sir Cresswell Cresswell, and it is hardly creditable to English justice that such accusations should have been solemnly laid before the Court. The real offence was of a more venial nature, one very commonly practised, and which we should be glad to see checked by a salutary lesson. Scarcely an assize is held without some cause being compromised sorely against the wish of at least one of the parties. The weather is hot, the court close, and the business rather heavy. Perhaps the Lord-Lieutenant has sent invitations for his pleasant park and sumptuous dinner. There is a tacit understanding. The longest cause goes to the wall, with or without a reference. The judges and the bar pass on to other scenes and fresh business; but in the minds of disappointed litigants and their friends the remembrance rankles, and a feeling spreads—more widely than those high in office are willing to believe—that no reliance can be placed on assize justice. If lawyers are wise they will look to these things in time.

The solicitors, as will be seen from our advertising columns, are about to form a rifle corps of their own. A paper is already lying at the Law Institution, where all who are desirous of joining in this patriotic movement may enrol their names. We trust that the managers of the new corps, to which we heartily wish success, will avoid the error into which, as we are informed, the Inns of Court Committee have fallen, of fixing the necessary expense at a high figure. It should rather be the object to encourage a numerous enrolment by reducing the cost of equipment to the lowest possible amount, and by holding out every facility to those of all grades engaged in the study or practice of the law. A corps raised in this spirit would, we venture to say, be among the best enrolled in the kingdom.

The annual dinner of the Law Amendment Society, held at Greenwich, on Saturday last, was a decided success. Lord Brougham presided with his usual pleasantness and animation, and was surrounded by a company as numerous and influential as any ever assembled on such an occasion. The society, we believe, holds its last meeting for the present session on Monday next.

Press of matter compels us to hold over until next week our report of a very valuable and instructive paper, which was read before the Juridical Society, on last Monday evening, by Mr. W. D. Lewis, Q.C. The subject was, "The Conditions of Professional Success." The paper so abounds with useful advice, which is equally applicable to young men in both branches of the profession, that we hope to be able to give it at considerable length, and we have made arrangements for doing so.

THE EDUCATION OF SOLICITORS.

The first measure introduced by the new Lord Chancellor, the Bill for the amendment of the Act regulating the admission of attorneys and solicitors, which we publish at length in our present number, will be heartily welcomed by every enlightened member of our body. The provisions which it embodies have been maturely considered by the Incorporated Law Society, and come before Parliament with the authoritative sanction of the Council, and, consequently, with the moral weight of professional experience and reputation. We cannot doubt that the Bill is about to become the law of the land, and to effect one step more in the elevation of the social and intellectual standard of solicitors in town and country.

Three distinct provisions for educational improvement have been introduced into the measure. The first provides that a degree in arts in any of the universities of Oxford, Cambridge, Dublin, London, Durham, and the Queen's University in Ireland, shall count for two years' service in articles, and reduce

the period of professional probation from five years to three. This section of the Bill removes the restriction which at present confines the exercise of this privilege within a limited period after the date of the degree, and the sole objection that can be made is, that the improvement does not extend far enough, omitting, as it does, those excellent schools for general instruction—the Scotch universities. Why should a graduate in arts of Edinburgh, Glasgow, Aberdeen, or St. Andrew's, find himself in a worse position than his Oxford or Dublin companion, who has passed an examination not one whit more stringent or comprehensive than the test applied to himself? We feel sure that this suggestion, thrown out in no captious spirit, will meet with due consideration, and that the omission, if it be considered such, will be supplied when the Bill is in committee.

In the second place, it is provided that a successful candidate at the examinations instituted by the universities of Oxford and Cambridge, for persons who are not members of these bodies (generally known as the middle class examinations) shall be exempted from one year's service in articles, and thus be entitled to admission at the end of four years. This wise regulation will, if adopted by the Legislature, afford great encouragement to intellectual improvement in those who have been prevented, either from pecuniary circumstances or from other causes, from availing themselves of a university education.

Thirdly, the Bill enables the chiefs of the three common law courts, in conjunction with the Master of the Rolls, to make such regulations as they may think fit for the examination in general acquirements of those articled clerks who have not passed through any university examination; a provision intended to compel a certain standard of education as a *sine qua non* for admission to our body, and which, as such, has our hearty concurrence and support.

The other sections of the Bill have chiefly reference to registration, the taking out of certificates, and matters of a like nature. They have been framed, we doubt not, with regard to the convenience of the profession; and if emendations in them are necessary, we shall be happy to afford publicity to any suggestions. The real substance of the measure lies in the educational improvements which it proposes to effect, and the importance of these can hardly be exaggerated. The position of any profession, its influence in society, and its own self-respect, must depend in the long run on its steadfast maintenance of a high moral and intellectual tone. It is gratifying to know that, for years past, a steady rise in the qualifications of solicitors has been observable throughout the kingdom, of which some striking testimony has been lately given to us by a provincial solicitor of wide reputation and experience. Much still remains to be done, but it is the work of carrying out a principle into practice, not of urging its primary recognition; and the beneficial measure which we submit to-day for the consideration of our readers, is, in truth, only the enunciation in a formal shape of a policy long and steadily kept in view by the leading minds of our profession.

THE DIVORCE COURT.

The result of the recent discussions in the House of Lords, on the working of the new Divorce Court, will probably be the appointment of two additional permanent members of that tribunal. The unanimity of the law lords in this conclusion is very remarkable, if it arises from the reason assigned. It is said, that it is impossible to keep pace with the business of the Court, and that its arrears are a public scandal. Fortunately, a return on Lord Brougham's motion, printed on the 4th instant, enables us to judge for ourselves on this point. It appears that 105 petitions for dissolution of marriage were presented from the 1st January to the 24th June of the present year. Of these, it is already ascertained that thirty-four are undefended. Within the same period, the suits instituted for judicial separation, nullity of marriage, and restitution of conjugal rights, did not exceed forty-five, of which six have been already heard and decided. Now, considering the number of cases that, for various reasons, never come to a hearing, or are, at least, indefinitely postponed, there can be no great room for complaint as to the power of the present Court to keep down arrears, when, during the same interval of time, it turns out that fifty-four cases of dissolution of marriage were heard before the full Court, and six before a single judge and a jury. Everybody who reads the morning papers was, no doubt, somewhat startled at the formidable array of causes which appeared a few weeks ago, before a sitting of the full Court, then about to take place. But four or five days were sufficient to reduce the list to about two-thirds of its original dimensions. As well as we can remember, the number of causes disposed of in a day averaged from six to eight; and during the present sitting, the average has been hardly lower. It, therefore, requires very slender powers of calculation to foresee that, with the exception of a very few weeks' work, the two new judges would enjoy something much too like sinecures to be tolerable now-a-days. It is very singular that the Parliamentary paper from which we have taken our data gives no information whatever as to the number of days on which the full Court sat during the six months to which it relates, or since the new Court was originally constituted. We are under the impression that, altogether, it has not sat a much greater number of working days than are included in a calendar month; and, assuming that it will continue to sit for another week or ten days, there is every reason to believe that there would not be a single cause unheard that was ready for hearing. If that be so, it looks remarkably like an attempt at a job to appoint two new judges exclusively for the work of this court. Lord Chelmsford suggests that they should also be members of the Judicial Committee of the Privy Council; for what reason he does not inform us, simply because there is none. No one pretends that the Judge-Ordinary is overworked, or if he had jurisdiction to decide cases of dissolution of marriage, that he has not abundance of time to enable him to do so. Whoever entertains a doubt on this question, may very soon satisfy himself by observing how comparatively rare are the sittings of the Court, and how frequently they do not commence until eleven or twelve o'clock in the day. Compared with the amount of work of any other judge, Sir C. Cresswell's task is little more than pastime. The question remains, ought the Judge Ordinary to be empowered to grant a full divorce? The only difficulty is for those to maintain that he ought not, who do not object to leave every other case affecting the rights, duties, and obligations of men to the judgment of a single judge. If men may lose all their property, their character, and everything else they hold dear (except their wives), even life itself, by the decree of a court presided over by one judge, why should not one judge be competent to pronounce a sentence of divorce?

The alteration that is really required is one which will give sufficient occupation to the Judge Ordinary, and will not expose the suitor, as he now is, to the chance of having his cause heard by a common-law judge, called in at random, perhaps without ever having read as much as the Act which constitutes and empowers the Court of which he is a member. When such an event happens, unless the two common-law judges are men of strong will, self-reliant, and somewhat learned in the *specialité*, they are little more than lay figures for the Judge Ordinary, whose better acquaintance with the work is not calculated to make him more distrustful of his own opinion, or less determined to adhere to his own practice. Thus in some instances, the full Court has done very little beside

confirming the crotchets of Sir C. Cresswell. No doubt, when Lord Campbell sat as chief judge, he over-ruled the Judge Ordinary on one or two important points of practice, especially as to the examination of the petitioner; but a judge like Lord Campbell is not to be had every day, and there is no doubt that, speaking generally, Sir C. Cresswell manages to play the part of chief judge, although such certainly was not the intention of the framers of the Act.

A real improvement, in the judicature of this Court, might be effected in the manner which we have suggested, and also (by way of supplement to this change) by constituting a court of appeal, from which the Judge Ordinary would be excluded. How can an appellant hope to succeed before a tribunal, the dominant member of which is generally the judge from whose judgment the appeal is brought? Let the Judge Ordinary hear and decide every matrimonial cause, and then, to keep him in check, establish an appellant's tribunal, over which he shall be unable to exercise any direct influence. Such an arrangement would be much more likely to yield a satisfactory result, than the plan of hastily adding to the number of judges, without due regard to the permanent requirements of the Court, or the financial burdens of the country.

The Courts, Appointments, Vacancies, &c.

GUILDHALL.

Potter v. *Parr.*—*July* 2.

When this case was called on only ten special jurymen answered to their names. A *tales* was then prayed, and two common jurymen got into the box. The first was asked to write his name; but, as he said he could not write, he was ordered to leave the box.

Mr. *Wilde* objected to any person taking his seat in the jury box until his name was called.

The Lord Chief Justice thereupon ordered the other common juryman to leave the box, which he did accordingly, and two common jurymen were called and sworn with the special jurors.

The action was for the infringement of the plaintiff's patent for improvements in spinning machinery.

Swinfen v. *the Right Hon. Lord Chelmsford.*—*July* 4.

The declaration charged the defendant with having "wrongfully and fraudulently" compromised the plaintiff's case, and Sir Cresswell Cresswell with having "privately, clandestinely and illegally," communicated with the defendant, for the purpose of "intimidating the defendant, and inducing him to compromise." The evidence did not at all bear out these allegations, and the jury, under direction of the Chief Baron, found a verdict for the defendant.

Jurors.—*July* 6.

A juror asked his Lordship what was the fine for non-attendance, because he would rather pay that than attend here from day to day.

Mr. Justice Blackburn said, the fine would be increased until the jurors properly attended. If he found persons determining to stop away he should impose a fine as large as £1,000.

The juror said nothing more about remaining away.

State of the Court.

During these sittings the heat in the court has been insufferable. There appear to be no means of ventilation, except by the windows in the roof, and as all the doors are kept closed, scarcely a breath of fresh air can enter the court. Surely there must be some means of remedying this.

CENTRAL CRIMINAL COURT.

The Queen v. *Smethurst.*—*July* 8.

This trial, which was commenced on Thursday, came to an abrupt conclusion yesterday, by the sudden indisposition of a juryman. Evidence was given by three medical gentlemen as to the state of his health, and of the probability of his being unable to discharge his duties for two or three days. After some conversation the trial was postponed till the next sessions.

CLERKENWELL POLICE COURT.—*July* 6.

Mr. John Davy Weekes, an attorney, of No. 16, Thornhill-place, Caledonian-road, was summoned before Mr. Corrie, for unlawfully assaulting and beating George Collins.

It appeared that the assault was committed on the 30th of June last, at noon, at 34, Penton-place. The complainant had been placed in that house, to let it, by his father, who had been employed by the householder, a Mr. Hollingsworth, of 8, Marlborough-place, Old Kent-road, woolstapler. The defendant called at the house, and forcibly put Collins out of possession, kicked him on the back, and struck him.

The defendant admitted that he committed the assault, but justified it on the ground that his client had the right to the possession of the house.

Mr. Corrie fully committed the defendant to the sessions for trial, the defendant entering into his own recognisance in £50, without finding sureties.

COUNTY COURT COMMITMENTS.

The following questions have been proposed to the county court judges, and it is proposed that a measure be founded upon their answers which, it is hoped, may be passed even in the present session:—

"1. As by the Parliamentary return No. 195 of last session it appears that out of 11,500 persons that actually went to prison, 8,361* were sent for non-appearance, is it not desirable that the law should be altered, so as to provide that if on the hearing of a judgment summons the judgment debtor should not appear, the judge may proceed to satisfy himself, by examination on oath, of the judgment creditor or his agent, or other witnesses, that the debtor should be committed for any of the causes mentioned in s. 99 of 9 & 10 Vict. c. 95, but that he should not be liable to be committed for not appearing?

"2. Are you of opinion that a power of imprisonment by the judge, as proposed to be modified, should exist, as a means of compelling persons who have obtained credit to pay out of their future earnings?

"3. Are you of opinion that the working classes would be able to obtain credit upon such favourable terms as they now do if the power of imprisonment were wholly taken away from the Courts?

"4. Are you of opinion that the form of warrant should be altered, so as clearly to show that upon payment of the instalments due, or of such sum as the judge shall direct to be inserted in the warrant, the debtor should be discharged from that imprisonment?

"5. Do you consider that if a judgment debtor does not appear to a judgment summons you are bound to commit him to prison; or do you, before ordering his committment, make inquiry so as to satisfy yourself that he ought to be committed for any of the causes mentioned in s. 99 of 9 & 10 Vict. c. 95, exclusive of that for non-appearance?

"6. If you do make such inquiry, and then order his committal, does the warrant state that he is committed for not appearing to the summons?

"7. Do you allow the judgment debtor to appear by agent on the hearing of a judgment summons? and if not, do you see any reason why he should not be so allowed?

"8. If upon the hearing of a judgment summons neither the judgment creditor nor judgment debtor appears, do you proceed to commit the latter for non-appearance?

"9. Do you generally give directions that the warrant shall not issue if the debt, or so many of the instalments as may be due, be paid by a certain time?

"10. Have you any rule which governs you as to the period for which you commit?

"11. Do you commit a second time for the same debt?

"12. What inquiries do you make before you give leave for a judgment summons to issue under s. 48 of 19 & 20 Vict. c. 95?

"13. Do you consider that it would be desirable to allow a judgment debtor, summoned under s. 48 of 19 & 20 Vict. c. 108, to appear before the registrar of the court of the district in which he resides, and make affidavit, stating why he has not obeyed the order of the Court, and also stating when and how he will pay the debt?

"14. Are you of opinion that the facilities for the recovery of debts by the county courts has increased the lending of small

* Although the warrants in the cases of these 8,361 persons expressed that they were committed for non-appearance, yet, in the majority of instances, they were not so committed until after the judges had satisfied themselves that they had the ability to comply with the order of the Court, but had neglected to do so.

sums of money by loan societies injuriously to the interests of society, and if so, what remedy would you suggest?

"15. Are you of opinion that no debt should be recoverable for beer sold, unless the plaint be entered within one calendar month from the time of the debt being contracted?

"16. Do you consider that the credit given by travelling drapers, packmen, and others, to the wives of the labouring population, should be discouraged; and if so, how, and to what extent?"

THE LORD CHANCELLOR AND THE LAW OF LIBEL.—On Tuesday last, Mr. Henderson, of Belfast, and Mr. Kemplay, of Leeds, as a deputation from the Provincial Newspaper Society, introduced by Mr. Baines, M.P., had an interview with the Lord Chancellor, for the purpose of conveying to his Lordship, on behalf of the newspaper publishers, an acknowledgment of his Lordship's legislative efforts to amend the law of libel, and his consistent regard for the just liberty of the press, and also for the purpose of suggesting for his Lordship's consideration the expediency of obtaining a further amendment of the law, to give legal protection to bonâ fide reports of proceedings at public meetings.

RAILWAY RATING.—The contest between the parish of Battle and the South-Eastern Railway Company, as to the rating of the railway, has now been settled. The appeal made by the company against the Battle poor-rate was heard at the Sussex Midsummer Quarter Sessions, held at Lewes, on Wednesday week, when the rate was reduced from £700 to £420 upon the railway, and from £150 to £80 upon the Battle station. It was also agreed between the company and the parish that this rating should continue for five years, and that a new valuation of the parish on rack-rent should at once be made by valuers, to be appointed by the chairman of the sessions, the company having objected to the insufficiency of the assessment upon several large properties in the parish. The appeals made by the same company against several poor-rates in the parish of Rye, and which were referred to Mr. Russell Gurney, Q.C., Recorder of London, for his decision, have now been settled by the award of the arbitrator, and the assessments are reduced from £175 to £40 in that parish.

The Queen has been pleased to confer the honour of knighthood upon William Snagg, Esq., Chief Justice of Antigua and Montserrat.

Lord Palmerston has appointed Mr. Fleming, for many years Assistant-Secretary of the Poor Law Board, to the office of permanent Secretary, in the room of Lord Devon, resigned.—*The Times.*

It is probable (says the *Scotsman*) that the Edinburgh banquet to Lord Brougham will take place about the third week in October. It is not unlikely that Lord Chancellor Campbell will be present.

Notes on Recent Decisions in Chancery.

(By MARTIN WARE, Esq., *Barrister-at-Law.*)

CHARTER-PARTY—SPECIFIC PERFORMANCE.

De Mattos v. *Gibson*, 7 W. R., L. J., 514.

This case, which has been before the Court on more than one previous occasion, related to the powers of the Court of Chancery in enforcing the performance of the charter-party of a ship either against the owner or the mortgagee. The facts were long and complicated, but the effect of them as bearing upon the law of the question was as follows:—The owner of a ship executed a charter-party with the plaintiff, by which the owner was bound to convey a cargo of coals for the plaintiff to Suez. The owner afterwards mortgaged the ship, the mortgagee having notice of the charter-party. The ship set out on her voyage, but had to put in for repairs to Penzance, where the mortgagee spent a considerable sum in refitting her. The mortgagee then took possession of her, and threatened to sell her under his power of sale, and the charterer accordingly took proceedings in Chancery against the owner and mortgagee to restrain the ship from being sold, or detained from going on her voyage, and to enforce the charter-party. The case has been before Wood, V. C., the Lords Justices, and the Lord Chancellor, and the result may be stated as follows:—A charter-party is not such a contract as the Court of Chancery will enforce specifically. It consists of a variety of stipulations, on some of which it would be impossible for the Court to form an opinion, and others are too indefinite and uncertain for the Court to carry out. But, at the same time, the Court will give negative relief by granting an injunction to restrain the owner from using the vessel in a manner inconsistent with the charter-party. So, again, of the mortgagee, if he have taken his mortgage with notice of the charter-party, he will be restrained from doing any act which directly interferes with its performance. On this ground the Lords Justices granted an interim injunction to restrain the mortgagee from selling the vessel; but when the cause was before the Lord Chancellor on the hearing, his Lordship considered that the engagement between the charterer and the owner was at an end by reason of the owner's inability to perform his contract; and that as the mortgagee was under no engagement with the charterer his obligation in respect of the charter-party was at an end, and he was free to deal with the vessel as he pleased. He, therefore, dismissed the plaintiff's bill.

POWER—FRAUDULENT EXECUTION—SECRET AGREEMENT.

Re Marsden's Trusts, 7 W. R., V. C. K., 520.

This was rather a singular case of a fraudulent appointment under a power, and shows how strict the Court is to prevent the objects of the donor being defeated by any contrivance. A married woman had a power of appointment over a fund, by deed or will, among her children, by which she could appoint the whole fund to one child exclusively. Considering that her husband had not sufficient provision made for him under the settlement, she determined to appoint the whole fund to her eldest daughter, upon the understanding that half should be made over to the husband, and that he should have a life interest in the remainder. This design being clearly a fraud on the power, her legal advisers did not venture to prepare the conditional appointment as proposed; but a deed poll was drawn and executed, giving the whole fund to the daughter absolutely, and it was determined to keep the understanding secret till after the mother's death. The mother died in August, 1858, and the deed of appointment, and the understanding upon which it was made, were then for the first time communicated to the appointee. The surviving trustee of the settlement paid the fund into court, under the Trustee Relief Act, and the appointee then presented a petition, asserting her ignorance of the understanding upon which it was executed, and claiming the fund. The Vice-Chancellor, however, decided that the fact of the understanding not being communicated to the appointee made no difference. The intention of the mother at the time she executed the appointment was to give a benefit to a person not an object of the power, and the appointment was therefore invalid, although the appointee was no party to the scheme. (See "Sugden on Powers," vol. ii. p. 201.)

Notes on Recent Cases at Common Law.

(By JAMES STEPHEN, Esq., *Barrister-at-Law, Editor of "Lush's Common Law Practice," &c., &c.*)

EVIDENCE IN COURT OF JUSTICE, NO ACTION WILL LIE IN RESPECT OF.

Henderson v. *Broomhead*, 7 W. R., Exch. C., 492.

This is a decision of much importance to the interests of justice; and the ruling on the point of *Martin*, B., having been brought before the Court of Exchequer Chamber on a bill of exceptions, and the judgment founded on the ruling there having been now affirmed on error, the law on the point may be taken to be established, and that in a satisfactory manner. The question was, whether any action lies at the suit of A. against B., who, in giving evidence in a judicial proceeding, has written, or spoken, defamatory words falsely, maliciously, and irrelevantly to the matters in issue.

In the particular case in which this question arose, the defendant had libelled the plaintiff (an attorney's clerk), in an affidavit sworn by the defendant in a certain action, by alleging to the effect that the clerk had acted professionally in a treacherous, corrupt, and dishonest manner; and in the shape the proceedings finally took, it became necessary for the Court of Error to determine whether a sufficient cause of action was disclosed by a declaration framed on the above facts—it being the duty of the Court, on a bill of exceptions, to consider whether, on the whole record before them, judgment ought to be given for the plaintiff or for the defendant. It is to be noticed that it has been long established that, for words spoken in litigation no action will lie (see *Lake* v. *King*, 1 Saund. by Wms. 131 (6) n. (1); *Cutler* v. *Dixon*, 4 Rep. 146; and *Astley* v. *Young*, 2 Burr. 808); and that very recently, in the Common Pleas, in the case of *Revis* v. *Smith* (18 C. B. 126) the whole subject has been the-

roughly ventilated and discussed. It was there said (and the Court in the present case cited with approval the remark) that the world had gone on very well without such actions, and that if they were allowed the balance of inconvenience would be much greater. The proper check upon both counsel and witnesses is the animadversion of the Court, not the liability to an action at the suit of any one who may fancy himself injured by the evidence given.

LAW OF INSURANCE—FIRE POLICIES.

Bazendale v. *Hardingham*, 7 W. R., Exch., 494.

The general rules which govern the construction of fire policies are simple and equitable; but there is much truth in an observation in one of the notes to the last edition of Smith's Mercantile Law (p. 414), to the effect that some of these instruments are so worded that it is not only difficult to determine who are the parties to be sued in case of loss, but even whether any action whatever be maintainable on the policy. In the present case it formed one of the conditions endorsed on the policy, subject to which the contract was entered into, that the nature and material structure of the buildings and property insured must be fully and accurately described in the policy; and that any alteration or addition made, or any increase of risk, by whatever means, must be forthwith notified to the company. In compliance with these conditions the plaintiffs, who had insured the property in their warehouses during a term of years with the defendants, on the occasion of introducing the use of a steam-engine for the purpose of hoisting goods, gave information of the fact, and paid in future an increased premium for its use. Subsequently, they applied the engine to a different use of a more hazardous kind than that of hoisting goods—viz. that of crushing food for the plaintiff's horses; and the question was, whether a neglect on the part of the plaintiffs to bring this circumstance under the notice of the defendants vitiated the policy. The Court held that it did not, because where such matters were intended to have such a serious effect, it was necessary that the intention should be expressed in the clearest possible manner. Now, in the policy it was said, that "the buildings and property insured" must be accurately described; and in the opinion of the Court this expression did not include all mechanism or apparatus which might happen to be brought into the building, but which were not otherwise connected with it. This case should be noted as belonging to the same group as *Shaw* v. *Robberds* (6 A. & E. 75), and *Glen* v. *Lewis* (8 Exch. 607). In the first of these, it was held that a condition that notice shall be given of any change in the business carried on upon the premises, does not render it necessary to give notice of a temporary and gratuitous permission given to a friend to dry bark there; and by the second, that where information must be given of the introduction of any new description of fire heat, the mere *temporary* introduction, without notice, of a steam-engine, will avoid the policy.

Parliament and Legislation.

HOUSE OF LORDS.

Friday, July 1.

BILL READ A FIRST TIME.

LEGAL EDUCATION.

The LORD CHANCELLOR brought in a Bill to improve the education of attorneys and solicitors with respect to general acquirements. Their professional requirements were already regulated by previous statutes, and, much to their credit, this Bill had been drawn up by themselves for the improvement of their general education. It provided that where a degree was taken in any university, the time necessary to serve a clerkship should be shortened by two years, and also that there should be a preliminary examination in general acquirements before commencing practice.

Monday, July 4.

BILL READ A SECOND TIME.

PETTY SESSIONAL DIVISIONS BILL.

BILL READ A THIRD TIME, AND PASSED.

VEXATIOUS INDICTMENTS BILL.

COURT OF DIVORCE AND MATRIMONIAL CAUSES.

Lord BROUGHAM called their Lordships attention to the working of this court. He rejoiced that experience had fully justified its establishment, and the amount of its business showed the necessity for an increase of its judicial force. He said, the present arrear of business might, in a great degree, have arisen from the non-existence of that court. Very many persons were utterly incapable of resorting to the only means of relief which existed previously to the establishment of that court, and they naturally applied for relief to it as soon as it was established. It was impossible to say whether that was the only cause of the increase of business. During the fifteen months ending March last, the number of petitions presented to that court for a dissolution of marriage was 288, and for judicial separation 105, making, in round numbers, 400 cases. The result was, that forty-three cases of divorce were disposed of, and thirty-seven divorces granted; and thirty-one cases of judicial separation were disposed of. It was said, that in Scotland—where, time out of mind, the process of divorce existed—the greatest number of cases of this nature was twenty, so that, in proportion to the population of the two countries, the number of divorces granted in England ought to be 120 instead of thirty-seven. Inasmuch as, owing to a want of judicial force, a number of cases remained undetermined, it did not follow from the fact that 37 divorces were granted during the fifteen months ending March last, that that was the number of divorces that ought to be granted in that period. Their Lordships were aware that the Court was composed of the Lord Chancellor, the three chiefs of the three common law courts, the three senior puisne judges of those courts, and the Judge Ordinary of the court, his excellent friend, Sir C. Cresswell. It was hardly possible for the Lord Chancellor or any of the judges of the common law courts to give their time and attention to the cases brought before the Divorce Court, and the consequence was that that court had got greatly into arrear. No less than thirty-five petitions were presented to that Court during the last month. He therefore strongly recommended his noble and learned friend on the woolsack to adopt some temporary remedy in order that the arrear of business might be diminished. If it should be found that the arrear was not owing to accidental but to permanent causes, he hoped that no delay would take place in increasing permanently the judicial force of the Court. Referring to the number of divorces which had taken place on any one day under the operation of the new Act, he had to inform their Lordships that number was nine, being as many as had usually been decreed by Parliament in three or four years under the old system. Indeed, he believed that for a period of three centuries only 365 divorces had been decreed altogether; but, notwithstanding the change which had since taken place, he felt assured that the greatest possible care and attention were bestowed by the learned judges who presided in the Divorce Court in coming to a decision on the cases which were brought under their notice.

The LORD CHANCELLOR concurred with his noble and learned friend in the opinion that the present Court had upon the whole worked well, and was perfectly ready to bear his testimony also to the untiring energy and consummate ability which the Judge Ordinary (Sir C. Cresswell) had brought to bear on the discharge of the duties of his office. There was, however, notwithstanding that energy and that ability, a want of judicial strength in the Court which rendered it incapable of getting rid with sufficient despatch of the business which came before it. The Legislature, he was nevertheless of opinion, had acted with perfect propriety in not, in the first instance, establishing a set of judges whose time should be exclusively devoted to the discharge of that business, inasmuch as it was impossible to predict what might be its amount. Parliament ought, he thought, to proceed cautiously and experimentally, even now, in dealing with the subject; for although there had been a great influx of business into the court since its creation, still, as yet it was impossible to say what the steady course of its business might be. He should not, under those circumstances, advise their Lordships to appoint new and permanent judges to preside over the court, but should, as a temporary remedy for the defects to which he had referred, propose that all the fifteen judges should be members of the court, and should make arrangements whereby two of them might by turns sit with the Judge Ordinary to constitute a full Court, and dispose of the business which might be brought under their consideration. That course being taken for the present, their Lordships would, he trusted, before long be in a position to ascertain what judicial strength was required for the fulfilment of these duties. He also concurred with his noble and learned friend in thinking that there was not, under the existing state of the law, a sufficient safeguard against collusion, although he believed that not a single instance of such collusion had as yet occurred. He was further of opinion that it was advisable some functionary should be employed who should investigate the circumstances

of each case before it came on in court, while it might also be not undesirable so far to change the course of procedure as to require a more circumstantial statement from the petitioner of all the circumstances of his case, with a view to the investigation being conducted in a more satisfactory manner. That might be done without levying any additional burden on the public revenue, because it was but fair that the expense of the proceedings should be cast on the petitioner in the first instance; to rest on him permanently in case of the failure of his suit; if he succeeded, on the adulterer, by whose misconduct the investigation had been rendered necessary. Beyond that there were some improvements which might be immediately adopted, and one of those was, that the Court should be authorised to sit with closed doors, as was the case in France, whenever the question of the dissolution of marriage was under consideration. Such a course—even in those instances in which mere domestic quarrels were the subjects of litigation—might be adopted with advantage, instead of having everything published to the world in the newspapers. There was another point of great importance. As the law now stood, nothing could be done with regard to the custody of the children, except by the full Court, but it was desirable that the Judge Ordinary should have power to dispose of them. These and other points would be dealt with in the Bill which he hoped in the course of a few days to lay upon the table.

Lord Cranworth said, that Sir Cresswell Cresswell had stated, that if he could get the assistance of the judges whenever it was wanted, he saw no reason to suppose that at the end of the year there would be any arrears.

Tuesday, July 5.

Petty Sessional Divisions Bill.

This bill passed through committee.

Thursday, July 7.

County Courts.

Lord Brougham presented a petition from the mayor, aldermen, and burgesses of a town in Wales, complaining of the great costs to which they are put for the recovery of small debts in the county courts, and also of the number, diversity, and irregularity of the commitments from those courts. The noble and learned Lord stated that while the causes tried in these courts during last year amounted to 744,000, the number of commitments was 11,000, of which between 7,000 and 8,000 were for simple non-attendance. There was so great a diversity in the number and period of the commitments from different courts as to lead to the inference that some of the learned judges took a very different view of their duties in this respect from that which was entertained by others, and to render it highly desirable that some inquiry should be made into the causes of the difference. From one county court there had been 750 commitments in the course of the year, and from another only 26. It was true that in the former case the number of suits tried was 20,000, while in the latter instance the number was much smaller, but the proportion of commitments in the first case was one in 26, while in the last it was only one in 230.

Lord Chelmsford said that his attention was called to this subject while he was Lord Chancellor, and recognising its importance, he requested the learned judges of the county courts to report to him concerning these commitments. He believed that such a report had been prepared, but he was not aware whether it had yet been received by his noble and learned friend on the woolsack.

Lord Chelmsford, in calling the attention of the House to the state of the Divorce Court, paid a high compliment to the ability and indefatigable activity of Sir Cresswell Cresswell. He proceeded to expose the defects of the present constitution of the Court, which consisted in an inadequate judicial staff, whereby the business fell into arrear, and occasioned great delay, vexation, and expense to the various suitors. To remedy these evils, he proposed the appointment of two additional judges, who might, when unemployed in the court, assist the Judicial Committee of the Privy Council. Regretting the existence of collusion, which, no doubt, now and then prevailed, he thought it would be impossible to prevent it. In conclusion, he wished to know whether the Government proposed to extend the action of the court to Ireland.

The Lord Chancellor said that he held in his hand a sketch of a Bill for the improvement of the Divorce Court, the scope of which regarded only England. As the court was an experiment, it would, he thought, be injudicious, before they were aware of its results, to extend its operations to Ireland. In reply to the suggestions of Lord Chelmsford, he thought it would have been inexpedient on the first establishment of this court to appoint a larger judicial staff, as it was then impossible to foretel what business would come before it. The present amount of business could hardly be looked upon as the average business of the Court, for the greater part of it was the accumulations of years, which would only embarrass the Court for a short time.

Lord Cranworth said that if Sir Cresswell Cresswell had the power of annulling marriages, as he had of decreeing a judicial separation, the difficulties complained of would soon vanish.

HOUSE OF COMMONS.

Monday, July 4.

Bills read a first time.

Law Ascertainment Facilities.

Public Health Act (1858) Perpetuation.

Bill read a second time.

Criminal Justice Middlesex (Assistant-Judge) Bill.

Mr. Locke King characterised the measure as an attempt on behalf of the county of Middlesex to tax the whole country for the payment of its assistant-judge. The assistant-judge for Middlesex, he contended, was nothing more than a chairman of quarter sessions, and every county in England paid the salary of its own chairman of quarter sessions. He did not object to the increase, proposed by the bill, of the salary of the assistant-judge from £1,200 to £1,500, but he did object to the additional charge of £300 a-year being laid upon the Consolidated Fund. Reminding the House, that an attempt made in that House in 1853 to increase the salary of the assistant-judge to £1,500 had failed, he moved that the Bill be read a second time that day six months.

Mr. S. Estcourt, who had brought in the Bill, reminded the House of the circumstances under which it was introduced, with the sanction of the late Government. On the death of the late assistant-judge, he (Mr. Estcourt) then holding the seals of the Home-office, received from the magistrates of Middlesex a very urgent remonstrance against allowing the office of assistant-judge to continue on the footing on which it was. A gentleman who, during nine months of the year, was almost constantly engaged in presiding in one of the courts of criminal jurisprudence in this metropolis, ought to be able to devote the whole of his time to that court.

Mr. Byng stated that he had received a communication from the chairman of the Middlesex magistrates, showing that the administration of justice in the metropolitan county was much less expensive than in other counties. He found, for example, that while the average expense of administering justice in the Borough Quarter Sessions courts was 8*l.* 10*s.* each case, at the Middlesex Sessions it was only 2*l.* 3*s.* 10*d.* each case. Unless the assistant-judge were prevented from taking private practice, it might happen that he would be found engaged as an advocate in appeals made from his own decision. These appeals were necessarily large, varying from 60 to 80 and 100 a-year. He thought that an addition of £300 a-year to the salary of the judge, in lieu of private practice, was not an excessive compensation, and he believed that the proposed arrangement would be advantageous to the impartial administration of justice.

Sir C. Lewis explained that the only point which the second reading would decide, would be the proviso that the assistant-judge, during his continuance in office, should not practise as a barrister. On the understanding that modifying clauses should be proposed in committee, Mr. L. King withdrew his amendment, and the Bill was read a second time.

Tuesday, July 5.

Imprisonment for Small Debts.

Mr. Collier, in rising to move for leave to bring in a Bill to limit the power of imprisonment for small debts exercised by the county court judges, stated, that the power of imprisonment under process of the superior courts was very different from that exercised by the county court judges. In the superior courts imprisonment operated as a discharge of the debt, but not so in the county courts. In the superior courts a creditor had two courses before him. He might take either the goods of the debtor or the debtor's body. If he chose to take the body of the debtor the law said his debt was satisfied; but in the county courts the power of imprisonment was a mere punishment which did not operate as a satisfaction of the debt. The process was this—John Smith's name was called. The officer said he did not appear. The judge thereupon said, "thirty days." Then the name of John Jones was called, and he not appearing, the judge simply said "forty days." This imprisonment was ordered without inquiry, and it was a mode

of administering justice, which he was satisfied the House never intended to establish. From a return moved for by the late Attorney-General, it appeared that in the year 1858, the number of persons committed to prison for not appearing pursuant to summons, or alleging a sufficient excuse for not so appearing, without proof of fraud, was no less than 8,361. The consequence was that the expenses of the county, and he might add of the country generally, were largely increased. The expense of these debtors in this county averaged, he understood, 10*s.* 6*d.* per week. The judge of the county court has no power to commit beyond a certain number of days; but he has this power, that when the debtor comes out and does not pay the debt, he can again commit him; and there is one example of a debtor who was first committed in November, 1856, and he has been committed no less than eight times for the same debt. Five times he was committed for periods of thirty days, and three times he has been committed for periods of forty days. During the whole time of his imprisonment the county has paid 10*s.* 6*d.* a-week for his support, and every time he has been taken up the Treasury has had to pay for his apprehension. The debtor referred to is upwards of sixty years of age, it appears, and he has been altogether thirty weeks in prison for this debt. A man might have committed a felony and had a much smaller imprisonment. The debt and costs originally amounted to 2*l.* 5*s.*; the amount has gradually increased from that sum in November, 1856, to 4*l.* 14*s.* 6*d.* in January, 1859, when he was committed, one would hope for the last time, for forty days. But he may be committed again, and there seems no end to it. He found that there were many others who had been committed over and over again. He found that one county court judge, in 1857, committed 546 persons, and another no less than 749 persons in the same year. These committals were increasing in number, so that it was confidently expected the committals for the present year would exceed by 2,000 those of the year before. One county court judge had committed 749 persons, and another 183, while the latter had 3,000 more plaints than the former. Another judge who had no less than 14,293 plaints before him had only committed 85 persons in the course of the year. He did not wish entirely to abolish the power of imprisonment, because in many instances it might be a useful power for the Court to possess; but he proposed to introduce a Bill confining the powers of county court judges within the limits, which, he believed, were originally contemplated by the Legislature. He proposed to enact that no county court judge should have power to imprison any man merely for non-appearance, without having contracted the debt by fraud. He merely intended that the penalty for non-appearance should be that the Court would hear the case in defendant's absence. It appeared to him also that there should be some limit to the imprisonment; but some county court judges interpreted the statute as giving them unlimited power of commitment for non-appearance. He proposed that no man should be imprisoned upon the same judgment for a longer period than twice forty days.

Mr. Malins seconded the motion, and expressed his opinion that the House was much indebted to the hon. and learned member for Plymouth for bringing the subject before them. If the proposed Bill should be passed into law, it would be a great public advantage, although he would desire to see the power of imprisonment even more carefully guarded. He thought the limit of eighty days' imprisonment for non-appearance did not go far enough, and in committee he should propose materially to reduce that period.

Captain Stuart bore testimony to the hardships which were inflicted under the present system. In his own county many poor girls and women were induced to incur debts with travelling dealers, and some time after were summoned, and, failing to appear, were at once committed to prison. As a magistrate he could say that great expense was thrown upon counties by the present system.

Mr. B. Cochrane thought the Bill was inadequate to meet the fearful tyranny which had been exposed; and he hoped the hon. and learned member would so modify his Bill as not to allow county court judges to imprison a man for so long a period as eighty days.

Mr. Henley thanked the hon. and learned gentleman for bringing this matter under the consideration of the House. In many cases the families of the unfortunate persons who suffered under this state of the law were maintained by the parish, while the prisoners themselves were maintained out of the county rates during their imprisonment; so that the punishment was merely vindictive.

Mr. G. Clive said, that with respect to the number of cases of imprisonment, it might be that in some districts the power was abused, but a great many persons, after committal, paid the debt to avoid imprisonment.

Leave was given to introduce the Bill, which was subsequently brought in and read a first time.

The Admiralty Court.

Mr. Hadfield moved for leave to introduce a Bill to enable serjeants-at-law, barristers, solicitors, and attorneys to practise in the High Court of Admiralty. The hon. gentleman said, the Bill had twice before been introduced, and had been twice printed, and upon the last occasion its progress was only prevented by the close of the session. The present Attorney-General had put his name upon the back of one of the former Bills, and assented to the principle of the one which was now proposed. The principle involved had been admitted in the opening of the Probate Court to other practitioners than proctors, and the Bill only sought to remove the last vestige of monopoly in the administration of justice. The only question that could be raised was as to compensation for the proctors, but that was a point to be discussed in committee, and, considering that the proctors had already received £69,000 compensation under the Probate Act, and were to receive more on account of the opening of the Divorce Court, he did not think they had any reason to complain, and he should certainly oppose the grant of any further compensation.

Sir G. C. Lewis, in agreeing to the introduction of the Bill, said, he agreed entirely in the principles laid down by the hon. gentleman as to the opening of the court, though he saw some difficulty as to the manner in which they were to be carried out. In one point the hon. gentleman had understated his case. He said that the proctors had received compensation to the amount of £69,000, whereas the real fact was, that they had received compensation to the amount of £69,000 a year.

Leave was then given to introduce the Bill, and it was subsequently read a first time.

Jury Trial (Scotland) Act Amendment Bill.

This Bill was read a third time and passed.

Wednesday, July 6.

Appeal in Criminal Cases Bill.

Mr. M'Mahon stated that the main object of this Bill was to secure to a person who was prosecuted for an offence involving his life, his liberty, and his property, the same right of having the sentence pronounced against him reviewed, which he now enjoyed if he were sued civilly for the sum of sixpence. In the present state of the law, if a person charged with a criminal offence had not the good luck to move the indictment before trial into the Queen's Bench, he was at the mercy of the first judge and jury before whom he might be brought. His only remedy was an appeal to the Home Office; but there was a manifest impropriety in sending a man to beg a pardon from a Secretary of State when he ought to get redress in open court. What his Bill proposed was, to empower the Court of Queen's Bench to grant a new trial after a verdict as well as before it, and he trusted that so moderate and beneficial a measure would receive the sanction of the House. The hon. and learned gentleman concluded by moving the second reading of the Bill.

The Solicitor-General maintained that adequate means existed at present for correcting erroneous verdicts, and that no failure of justice could be proved under the law as it now stood. To allow an appeal in cases where the presiding judge thought the verdict was against the evidence would, at least, be an intelligible proposition; but nothing could be more injurious than to permit a prisoner to move the Court of Queen's Bench for a new trial upon any ground whatever, however trivial or technical. If such a right were granted to defendants, it could not fairly be refused to prosecutors, and where, then, would be that fundamental principle in English jurisprudence, that a person once acquitted by the verdict of twelve men could not be tried again for the same offence? For these and other reasons, he felt bound to oppose the second reading of this Bill.

After a few remarks from Mr. Longfield in support of the Bill, the debate, on the motion of Mr. Bowyer, was adjourned.

Thursday, July 7.

Bills read a second time.

Public Health Bill.

Admiralty Court Bill.

Statute Law Commission.

Mr. Locke King asked "whether the Statute Law Commis-

sion is, or is not, in existence; whether Mr. Bellenden Ker is still a paid commissioner; and, if not, on what day his salary ceased?"

Sir G. Lewis said that the Statute Law Commission was still in existence, but that Mr. B. Ker was no longer a paid commissioner. He had not ascertained on what day his salary ceased, but it was not now payable. He believed that the staff of the commission was still in existence.

NOTICES OF MOTION.

Mr. Whiteside—Transfer of Land (Ireland).—Bill to facilitate the Transfer of Land in Ireland, by simplifying the Law of Judgments as they affect land in Ireland.

Mr. Edward Craufurd—Criminal Justice, Middlesex (Assistant Judge) Bill.—On going into committee that, "the committee shall have power to extend the provisions of the said Bill to all persons holding judicial appointments in the United Kingdom;" that "from and after the passing of this Act, no person holding any judicial appointment within the United Kingdom, shall, during his continuance in such office, practise as a barrister, counsel, or advocate."

ATTORNEYS AND SOLICITORS BILL.

[*Lord Chancellor.*]

Whereas an Act was passed in the session holden in the sixth and seventh years of her Majesty, intituled "An Act for consolidating and amending several of the Laws relating to Attorneys and Solicitors practising in England and Wales," and an Act was passed in the session holden in the seventh and eighth years of her Majesty, intituled "An Act for the Relief of Clerks to Attorneys and Solicitors who have omitted to enrol their Contracts, and for amending the Law relating to the Enrolment of such Contracts, and to the Disabilities of such Clerks in certain Cases;" And whereas by an Act passed in the session holden in the fourteenth and fifteenth years of her Majesty, intituled "An Act for amending the several Acts for the Regulation of Attorneys and Solicitors," the privileges granted by the said Act of the sixth and seventh years of her Majesty to persons having taken certain degrees in the universities therein mentioned were extended to persons having taken the like degrees in the Queen's University in Ireland: And whereas it is expedient to amend the said Act of the sixth and seventh years of her Majesty in manner herinafter mentioned: Be it enacted &c. as follows:

1. In the construction of this Act, unless there be something in the subject or context repugnant to such construction, the word "attorney" shall mean attorney of one or more of the superior courts of law at Westminster, or of the Court of Common Pleas of the County Palatine of Lancaster, or of the Court of Pleas of the County Palatine of Durham; the word "solicitor" shall mean solicitor of the High Court of Chancery; the word "registrar" shall mean registrar of attorneys and solicitors; the expression, "The Roll of Attorneys and Solicitors kept by the registrar" shall mean the roll or book rolls or books of attorneys and solicitors, which by the firstly hereinbefore mentioned Act the registrar is required to keep; and the expressions, "The Incorporated Law Society," shall mean, "The Incorporated Society of Attorneys, Solicitors, Proctors, and others, not being Barristers, practising in the Courts of Law and Equity of the United Kingdom."

2. Sect. 7 of the firstly hereinbefore mentioned Act shall be repealed, and any person having taken the degree of Bachelor of Arts or Bachelor of Laws in any of the Universities of Oxford, Cambridge, Dublin, Durham, or London, or in the Queen's University in Ireland, and also at any time after having taken such degree, and either before or after the passing of this Act, has been bound by and has duly served under articles of clerkship to a practising attorney or solicitor for the term of three years, and has been examined and sworn after the expiration of such term, in manner directed by the firstly hereinbefore mentioned Act, may be admitted and enrolled as an attorney or solicitor, and service for any part of the said term not exceeding one year with the London agent of such attorney or solicitor in the proper business, practice, or employment of an attorney or solicitor, either by virtue of any stipulation in such articles, or with the permission of such attorney or solicitor, shall be and be deemed to have been good service under such articles for such part of the said term; and where any person has before the passing of this Act, and at any time after having taken such degree, been bound as aforesaid for five years, he may, after having duly served three years of such term in such manner as would have been required if he had been bound for three years only, and having been examined and sworn as aforesaid, and with the consent in writing (endorsed on his articles of clerkship) of the attorney or solicitor to whom he may be bound to the immediate determination of his articles of clerkship, be admitted and enrolled as an attorney or solicitor, and where such consent is given as aforesaid and acted upon under this provision by the person hereby made eligible to be admitted and enrolled as aforesaid, the articles of clerkship shall be deemed to have determined as if they had determined by effluxion of time.

3. The Lords Chief Justices of the Courts of Queen's Bench and Common Pleas and the Lord Chief Baron of the Court of Exchequer, jointly with the Master of the Rolls, may, if they think fit, from time to time, by regulations to be made by them, direct that any persons having successfully passed any examination already established in the University of Oxford or Cambridge for students not members of the university, or any other examination of a similar nature (to be specified in such regulations) hereafter established in any of the universities hereinbefore mentioned, may be admitted and enrolled as an attorney or solicitor, after having been subsequently bound by, and having duly served under, articles of clerkship to a practising attorney or solicitor for the term of four years, and been examined and sworn as aforesaid after the expiration of such term; and the said judges may from time to time revoke or alter such regulations as they think fit, but not so as to allow a less term of service than four years.

4. Sect. 6 of the firstly hereinbefore-mentioned Act shall apply as well to any person bound as therein mentioned as a clerk to a practising attorney or solicitor for the term of four years only, where, under the said regulations, that term is sufficient as to any person so bound for the term of five years, and shall be read and construed accordingly.

5. The Lords Chief Justices of the Courts of Queen's Bench and Common Pleas, and the Lord Chief Baron of the Court of Exchequer, jointly with the Master of the Rolls (or any three of them, of whom the Master of the Rolls shall be one), may from time to time make regulations for the examination in such branches of general knowledge as they may deem proper of all persons (not having taken degrees, or successfully passed such university examinations as aforesaid) hereafter becoming bound under articles of clerkship to attorneys or solicitors, and the said judges by such regulations may require such examination to be passed either before persons so become bound, or at any time before their admission as attorneys or solicitors, as to the said judges may seem fit; and the said judges may from time to time revoke or alter any such regulations as they think fit, and may from time to time appoint examiners for conducting such examination as aforesaid; and no person required to pass such examination shall be capable of being bound as aforesaid where such examination is required to be passed before being bound, or of being admitted as an attorney or solicitor where such examination is permitted to be passed at any time before admission, unless before being bound or before being admitted (as the case may require) he obtains from the examiners a certificate of having satisfactorily passed such examination. Provided always, that the said judges, or any one or more of them, may, where under special circumstances they or he see fit so to do, dispense with compliance with such regulations entirely or partially, or subject to any such conditions as to such judge may seem fit.

6. No person now or hereafter bound by articles of clerkship to any attorney or solicitor shall, during the term of service mentioned in such articles, hold any office, or engage in any employment whatsoever other than the employment of clerk to such attorney or solicitor and his partner or partners (if any) in the proper business, practice, or employment of an attorney or solicitor, save as by the firstly hereinbefore-mentioned Act or this Act otherwise provided; and every person bound as aforesaid shall, before being admitted an attorney or solicitor, prove by the affidavit required under s. 14 of the firstly hereinbefore-mentioned Act that he has not held any office or engaged in any employment contrary to this enactment, and the form of such affidavit as aforesaid shall be varied by such addition thereto as may be necessary for this purpose.

7. The examination which, under the firstly herein beforementioned Act, or this Act, is authorised and required, touching the fitness and capacity of a person to act as an attorney, or as solicitor (as the case may be), before his admission as an attorney or solicitor, shall be deemed to include such examination touching his fitness and capacity to act in matters of business, usually transacted or performed by attorneys or solicitors, as the examiners for the time being deem proper, subject, nevertheless, to any rules, orders, or regulations, for conducting the said examination to be, from time to time, made in manner provided by the firstly herein before-mentioned Act.

8. No person, now or hereafter bound by articles of clerkship to any attorney of the Court of Common Pleas, of the County Palatine of Lancaster, or of the Court of Pleas of the County Palatine of Durham, shall be capable of being admitted and enrolled as an attorney of such respective court, unless after the expiration of his term of service he have been examined touching his articles and service, and his fitness and capacity to act as an attorney of her Majesty's superior courts of law at Westminster, or a solicitor of the High Court of Chancery, in like manner as is required before admission as an attorney or solicitor of the last-mentioned courts respectively, and the judge or judges of such respective court of the County Palatine of Lancaster or Durham, be satisfied by such examination, or the certificate of the examiners, of his being qualified to act as an attorney or solicitor.

9. The masters, or other officers, having respectively the custody of the rolls or books, kept for the enrolment of attorneys or solicitors in the superior courts of law at Westminster, the Court of Chancery, the Court of the Duchy Chamber of Lancaster at Westminster, and the Courts of the County Palatine of Lancaster and Durham, shall, within seven days after the end of every term, transmit to the registrar, at the expense of such registrar, a copy, under the hands of such masters or officers respectively, or under the seals of their respective courts, of such rolls or books, so far as the same relate to attorneys or solicitors enrolled within such term.

10. From and after the 15th day of November next, after the passing of this Act, ss. 22, 25, & 25 of the firstly hereinbefore-mentioned Act shall be repealed; and from and after that day the stamped certificates now required to be obtained from the Commissioners of Inland Revenue by attorneys and solicitors shall cease to be taken out, but, instead thereof, upon production by or on behalf of any attorney or solicitor to the Commissioners of Inland Revenue, or their officer acting in this behalf, of the certificate hereinafter mentioned, and upon payment to such commissioners or their officer of the duty which, if this Act had not been passed, would have been payable for or in respect of the stamped certificate required to be obtained by such attorney or solicitor, there shall be impressed or affixed on or to such registrar's certificate by the said commissioners or their officer, upon production thereof to them or him, the like stamp as is now impressed upon the stamped certificate now required, or such other stamp denoting the payment of the said duty as the said commissioners may from time to time think fit; and any person practising without having obtained a certificate of the registrar, and procured the same to be duly stamped, shall be subject to such penalty, forfeiture, and disability as he would have been subject to if this Act had not been passed for so acting without obtaining such stamped certificate as by law required, and any such penalty or forfeiture may be recovered and applied as the same might have been if this Act had not been passed in respect of any offence for which the same might have been incurred.

11. For the purpose of obtaining such registrar's certificate as aforesaid a declaration in writing, in the form A. set forth in the schedule hereto, or as near thereto as may be, and signed by the attorney or solicitor requiring the same, or his partner; or, in case such attorney or solicitor do not carry on business within twenty miles from London, by his London agent, if any, on his behalf, containing his name and usual place of business; or if he carry on business at more places than one, every place where he carries on business, and the courts or one of the courts of which he is then admitted an attorney or solicitor, together with the term and year in or as of which he was so admitted, shall be delivered to the registrar, who shall cause all the particulars in such declaration to be entered in a book to be kept for that purpose, which shall at all times be open to public inspection during office hours, without fee or reward; and the registrar shall, after the expiration of six days after the delivery of such declaration, unless he have reason to believe that the party applying for such certificate is not duly enrolled as an attorney or solicitor; or has neglected, as hereinafter mentioned, to obtain a registrar's certificate for the previous year, and to procure the same to be duly stamped and entered, or that his usual place or places of business is or are not truly stated in such declaration, deliver to the said attorney or solicitor, or to his partner or agent, on demand, a certificate in the form B. set forth in the schedule to this Act; and for every such certificate, and the requisite search and inquiry before issuing the same, the registrar shall be paid the sum of 5s.; and the Lords Chief Justices of the Courts of Queen's Bench and Common Pleas and the Lord Chief Baron of the Court of Exchequer, jointly with the Master of the Rolls, may from time to time, by order under their hands, increase such sum as they think fit to any amount not exceeding 10s.; and in case the name and bonâ fide place of business, or places of business if more than one, of any person by whom or on whose behalf any such declaration is delivered to the registrar, be not truly stated therein, the certificate obtained thereon shall be void.

12. Sect. 24 of the firstly hereinbefore mentioned Act shall be applicable where the registrar declines to issue such certificate as aforesaid as hereinbefore directed.

13. If an attorney or solicitor, after having taken out a stamped certificate as now required, or after having obtained a registrar's certificate and procured the same to be stamped and entered as required by this Act, shall neglect, for the space of one whole year after the expiration thereof, to obtain the registrar's certificate under this Act, and to procure the same to be duly stamped and entered, the registrar shall not afterwards grant a certificate to such attorney or solicitor without the order of the Master of the Rolls in the case of a solicitor, or of one of the superior courts of law at Westminster, or of one of the judges thereof, in the case of any attorney authorising such registrar to issue such certificate, and it shall be lawful for the Master of the Rolls, or such Court or judge, to make such order upon such terms and conditions as he or they may think fit.

14. Every certificate of the registrar, when stamped as hereinbefore provided, shall be produced to the registrar, and the registrar shall, upon the production thereof, enter a note or minute of such production, and the date thereof, in connection with the name of the attorney or solicitor named in such certificate on the roll of attorneys and solicitors, kept by such registrar, and shall mark such certificate as having been produced and entered, and with the date of the production and entry.

15. Every certificate issued under this Act by the registrar between the 15th day of November and the 16th day of December in any year shall bear date on the 16th day of November in such year, and shall take effect on that day for all purposes, provided the same to be stamped and entered as required by this Act before the said 16th day of December, but if not so stamped and entered before that day, the same shall take effect, as regards the qualification to practise conferred thereby, on the day on which the same is entered as aforesaid; and every certificate issued at any other time shall bear date on the day on which the same is issued, and shall take effect, as regards such qualification, on the day on which the same is entered as aforesaid, and every such certificate as aforesaid shall cease and determine on the 15th day of November next following the date thereof.

16. From and after the 15th day of November next, after the passing of this Act, no person shall be qualified to practise as an attorney or solicitor, except while he holds the registrar's certificate, granted and in force under this Act, which has been duly stamped according to the law in force before the passing of this Act, and entered as required by this Act.

17. The registrar shall, in every year, as soon as conveniently may be, after the 1st day of January, cause to be printed and published for sale, a list, arranged alphabetically according to surnames, of all those persons on the roll of attorneys and solicitors, kept by the registrar, who hold registrar's certificates, dated the 15th day of November then last, which have been duly obtained, stamped, and entered as required by this Act before the 16th of December then last; and such list shall state the places of business of such persons as mentioned in their certificates, and the courts in which such persons have been admitted, and any such list purporting to be printed and published by the authority of the registrar shall, until the contrary be made to appear, be evidence in all courts, and before all justices of the peace and others, of such persons having been admitted as therein appearing and holding such certificates as aforesaid; and the absence of the names of any person from such list shall, until the contrary be made to appear, be evidence as aforesaid that such person is not qualified to practise as an attorney or solicitor under a certificate dated and duly stamped and entered as aforesaid; and in the case of any person whose name does not appear in such list, an extract from the roll of attorneys and solicitors kept by the registrar, certified under the hand of the secretary of the Incorporated Law Society (while such society performs the duties of registrar) or of the registrar for the time being, shall be evidence as aforesaid of the facts appearing in such extract.

18. Where the name of any attorney or solicitor is ordered to be struck off the roll of attorneys or solicitors of any court, on his own application, or on the application of any other person, the rule or order for that purpose shall forthwith, and before the same is acted upon, be produced to the registrar, and the registrar

shall enter a note or minute of such rule or order in connection with the name of such attorney or solicitor on the roll of attorneys and solicitors kept by the registrar, and shall strike such name off such roll, and shall mark such rule or order as having been entered.

19. The name of every person hereafter struck off the roll of attorneys of any of the superior courts of law at Westminster by the rule of any of such courts, or off the roll of solicitors of the Court of Chancery by order of any judge of that court, shall, upon production of an office copy of such rule or order, and an affidavit of the identity of the person named therein to the proper officer of every or any other of the said courts of which such person is an attorney or solicitor, be struck off the roll of such court, and in case any such person be at any time thereafter restored to the roll by the rule of the court or order of any judge of the court, by the rule of which or the order of a judge of which his name was struck off such roll, he shall, upon production of an office copy of the rule or order so restoring him, with an affidavit of the identity of the person named therein, to the proper officer of every or any such other courts, be restored to the roll thereof without payment of any fee or fine whatsoever.

20. In case the amount of and attorney's or solicitor's bill, which, after the passing of this Act, shall be ordered to be taxed under the firstly hereinbefore-mentioned Act, or this Act, or which shall have been ordered to be taxed upon the passing of this Act, under the firstly herein before-mentioned Act, but with reference to which no allocatur or certificate shall have been made before the passing of this Act, including the costs of the reference and taxation where such costs are payable to such attorney or solicitor, be not paid to him or his executor, administrator, or assignee, within three months after the date of the allocatur or certificate of the officer, by whom such bill may have been taxed, the amount of such allocatur or certificate shall, as from the date of such allocatur or certificate until payment, and, whether judgment shall or shall not be entered for the same under the 43rd section of the firstly hereinbefore-mentioned Act, carry interest at the rate of £4 per cent. per annum, and such interest shall be paid and recoverable therewith accordingly.

21. Whenever a decree or order shall be made by a Court of Equity, in which the payment of any costs previously taxed, either in the suit or proceeding in which such decree or order shall be made, or in any other suit or proceeding shall be ordered, and whether the certificate of such previous taxation shall have been made before the passing of this Act, or shall be made thereafter, it shall be lawful for the Court or judge making any such decree or order, to order and direct the amount of such costs, as taxed, including the costs of taxation, as ascertained by the said certificate, to be paid, with interest therein at £4 per cent. per annum, from the date of the certificate to the date of the decree or order for payment, the amount of such interest to be verified by affidavit, and to be payable and recoverable out of the same fund or in the same manner as the amount of such costs are payable or recoverable under the said decree or order.

22. Every contract or articles whereby any person shall be bound to serve as a clerk to any attorney or solicitor, and also any assignment thereof, shall, within three months after the same shall have been respectively enrolled and registered pursuant to the provisions of the 8th section of the first-mentioned Act, be produced to the registrar of attorneys and solicitors, who shall enter the names of the parties to, and the date of such contract, and also of such assignment, if any, and the term of service, in a book to be kept for that purpose, and the registrar shall mark such contract and such assignment, if any, as having been so produced and entered, with the date thereof, and for which he shall be entitled to receive a fee of 5s. for the entry of such contract, and the like fee for such assignment, if any; and such book shall be open to public inspection during office hours without fee or reward; and in case such contract or articles, and such assignment, if any, shall not be so produced to and entered by the said registrar as aforesaid within three months after the enrolment thereof and registry thereof under the said 8th section as aforesaid, the service of the clerk shall be reckoned to commence from the date of such production and entry, unless one of the said Courts of law or equity, or a judge thereof, shall otherwise order.

23. Every authority granted after the passing of this Act to any attorney to administer oaths and take declarations and affirmations in matters depending in any of the superior courts of law at Westminster, or in the court of the Duchy Chamber of Lancaster at Westminster, or in any of the courts of the Counties Palatine of Lancaster and Durham, and every authority granted after the passing of this Act to any solicitor to administer oaths and take declarations, affirmations, and attestations of honour in Chancery, and whether any such authority as aforesaid be to act in England or to act out of England, and every appointment made after the passing of this Act of any attorney or solicitor under sect. 81 of the Act 3 & 4 Will. 4, "for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance," to be a perpetual commissioner for taking acknowledgments of married women under that Act, shall, before any such authority or appointment is acted upon, be brought to the registrar by the person to whom the same is granted, or some person on his behalf, and the registrar shall, in books to be kept for that purpose, enter the particulars of every such authority or appointment, and for the entry of every such authority or appointment the registrar shall be paid by or on behalf of the person having such authority or appointment the sum of 1s., and the registrar shall mark such authority or appointment as having been entered, and with the date of the entry, and such books shall at all times be open to public inspection during office hours without fee or reward.

24. For enabling the registrar to form a complete register of all such authorities and appointments as aforesaid, as well those granted or made before the passing of this Act as those granted or made thereafter, the principal secretary of the Lord Chancellor, or other the officer having the care and custody of the list of town and country authorities now in force for the purposes aforesaid, so far as they relate to the Court of Chancery, and the clerks of the Lord Chief Justices of the Courts of Queen's Bench and Common Pleas, and the Lord Chief Baron of the Court of Exchequer, or other the officers having the care and custody of the lists of authorities now in force for the purposes aforesaid, so far as they relate to such Courts respectively, and the officers the of Court of the Duchy Chamber of Lancaster at Westminster and the Courts of the County Palatine of Lancaster and Durham having respectively the care and custody of the lists of authorities now in force for the purposes aforesaid, so far as they relate to such courts respectively; and the officer of the Court of Common Pleas with whom the certificates of the said acknowledgments of married women are lodged, so far as regards all appointments now in force for taking the said acknowledgments, shall severally, at the expense of the registrar, prepare and transmit to such registrar, with all convenient speed, after the passing of this Act, a list of the persons having such authorities and appointments as aforesaid, with the particulars thereof, and the registrar shall enter the particulars of all such authorities and appointments now in force in books to be kept for that purpose, which shall be open to the inspection as aforesaid.

25. All regulations and acts authorised by this Act to be made or done by the Chief Justices of the Queen's Bench and Common Pleas and the Chief Baron of the Court of Exchequer, jointly with the Master of the Rolls, may be made or done by any two of the said Chief Justices of the Courts of Queen's Bench and Common Pleas and the Chief Baron of the Court of Exchequer, jointly with the Master of the Rolls.

26. Nothing in this Act shall extend to repeal, prejudice, or affect any provision in any Act of Parliament, in anywise enabling any person other than an attorney or solicitor to draw or prepare any conveyance or deed, or to conduct, defend, or otherwise act in relation to any suit, matter, or proceeding, and nothing in this Act shall affect the rights of proctors or notaries public.

27. This Act shall only extend to England and Wales, save as herein otherwise expressly provided.

28. The firstly hereinbefore mentioned Act and this Act shall be construed together as one act.

SCHEDULES to which this Act refers.

A.

Form of Annual Declaration for obtaining the Registrar's Certificate.

No.

I hereby declare, That [I] —— was admitted an attorney of the court of —— in —— term, in the year ——, and that my [*or* his] residence and place or places of business are as stated below.

Residence
Place or places of business

Dated this ——, 18—.

Partner or London agent of the said ——.

To the Registrar of Attorneys and Solicitors.

B.

Form of Registrar's Certificate.

Pursuant to an Act passed in the session of Parliament holden in the —— and —— years of the reign of Queen Victoria, intituled [*insert the title of this Act*], the Incorporated Law Society [*or* I, *A.B., as the case may*

be], the Registrar of Attorneys and Solicitors appointed under the Act of the session holden in the sixth and seventh years of Queen Victoria, "for consolidating and amending several of the Laws relating to Attorneys and Solicitors," do hereby certify that *I.P.*, attorney-at-law [*or* solicitor in Chancery; *as the case may be*], whose residence is at ——, and whose place or places of business is [*or* are] at ——, hath this day delivered and left with the secretary of the said society [*or* with me, *as the case may be*] a declaration in writing, signed by the said attorney [*or* solicitor] [*or* by his partner, *or* by his London agent, *or* his behalf, *as the case may be*], containing his name, residence, and place or places of business, or the court, or one of the courts, of which he is admitted an attorney or solicitor, together with the term and year in or as of which he was so admitted; and the said society [*or* I, *as the case may be*], do hereby further certify that the said attorney is duly enrolled in the Court of Queen's Bench [*or* a solicitor in the High Court of Chancery], and is entitled to practise as such attorney or solicitor upon this certificate being duly stamped as required by law, and entered as required by this Act.

Given under the hand of the secretary of the Incorporated Law Society [*or* under my hand, *as the case may be*], this sixteenth day of November, one thousand eight hundred ——.

(Signed)

Secretary.

N.B.—This certificate will expire on the 15th of November next.

DISQUALIFICATIONS OF ROMANISTS.—A Bill of Mr. Massey, Mr. Pollard-Urquhart, Sir W. Somerville, and Mr. Henry Herbert, relieves Romanists from a certain disability under which they still lie. It repeals a part of the 12th clause of the Act 10 Geo. 4, c. 7, so as to allow persons of the Romish persuasion to hold the office of Lord High Chancellor, Lord Keeper, or Lord Commissioner of the Great Seal of Ireland. But the Bill by no means qualifies a Romanist to be "keeper of the Royal conscience" in this country.

TRIAL OF ELECTION PETITIONS.—The General Committee of Elections have appointed Thursday, the 21st of July inst., to choose, from Panel No. 1, the select committees to try severally the Ashburton, Berwick-on-Tweed, Pontefract, and Wakefield election petitions; and Friday, the 22nd inst., to choose the committees to try the Huddersfield, Gloucester City, Dartmouth, and Aylesbury petitions. Several of the members of Panel No. 1 are themselves petitioned against, and thus, so to speak, at present sit on sufferance only. These are Mr. R. Anstruther Earle, Sir E. Filmer (West Kent), Major Gavin, Mr. G. W. Hope, Mr. Wilfrid Lawson, Lord John Manners, Colonel Finney, Mr. S. G. Smith, and Mr. G. H. Whalley.

Communications, Correspondence, and Extracts.

EXAMINATION OF WILLS AT DOCTORS' COMMONS.

To the Editor of THE SOLICITORS' JOURNAL & WEEKLY REPORTER.

SIR,—I quite agree with the remarks made by your correspondent "G. J. S." in the last number of the *Solicitors' Journal*, and I think he deserves the thanks of the profession for being the first publicly to draw attention to these grievances, and I trust neither he nor yourself will let the matter rest here, but will keep it stirring until some satisfactory reform takes place in this department.—Your most obedient servant,

LEX.

JEWISH OATHS IN CHANCERY.

To the Editor of THE SOLICITORS' JOURNAL AND WEEKLY REPORTER.

SIR,—Can you kindly inform me, through the medium of your paper, how a country solicitor can get appointed a commissioner for taking *Jewish* oaths in Chancery?

In the *Gazette*, commissioners are appointed, under the Jewish Act, but what Act this is I am unable to find out.—I am, Sir, yours obediently,

J. A.

[The Act is the 21 & 22 Vict. c. 48, which is an Act to substitute one oath for the Oath of Allegiance, Supremacy, and Adjuration, and for the relief of her Majesty's subjects professing the Jewish religion. The application is made in the ordinary way.—*Ed.* S. J.]

THE COSTS OF AN ILLEGAL CAPTURE.—The capture of the ship *Newport*, by H.M.S. *Philomel*, and taken into St. Helena, and there condemned, has cost the Crown and parties concerned in the litigation, at home and at St. Helena, no less a sum than £13,247.

The Provinces.

CARMARTHEN.—*Absence of Crime.*—At the Carmarthen Quarter Sessions last week the Recorder for the borough (John Jones, Esq.) was gratified in making the following statement to the grand jury:—"Gentlemen,—On this occasion, as on many others, the calendar is a blank one; and I am glad to inform you that there has been no prisoner for trial for one year. The last prisoner tried in this court was in June, 1858, and that one for a minor offence. It is, therefore, my pleasing duty to congratulate you on the absence of crime in this borough, which is, no doubt, to be attributed to the highly efficient state of the police force."

CHATHAM.—*Stipendiary Magistrate.*—There is a report that application is about to be made to the Lord Chancellor for the appointment of a stipendiary magistrate for the borough of Chatham. The *Maidstone Journal* doubts, however, if the application will be granted, for it has been for some time in contemplation to re-model the district, dividing it into two—thus, having one bench holding its sittings at Gravesend, and the other at Chatham, doing away with Rochester altogether. Such an arrangement will save the enormous fees paid under the present system, where witnesses and prisoners have to be brought from Rainham on the one side and Northfleet on the other.

CHELTENHAM.—*Charge of Personation.*—A person who voted at the late election for this borough, was, on Thursday last, summoned before the magistrates of this town to answer to a charge of personation. Mr. C. J. Chesshyre, solicitor, appeared for the prosecution, and Mr. James for the defendant, who raised an objection on the construction of the 48th section of the 6th Vict. c. 18. The objection was, that, although the list of persons qualified to vote had been signed by the revising barrister, and a written transcript thereof had been signed by the returning officer (there being no town clerk, or other person exercising the duties of town clerk, in the borough of Cheltenham), before the last day of November, 1858; yet the returning officer had neglected to certify and sign (except by causing his name to be printed at the end) any printed copy of such register until the 29th day of April last (being the date immediately preceding the polling day at the late election), when he certified and signed the copies to be used by the poll clerks and deputy returning officers, and, consequently, that by not having signed such printed copies before the last day of November, 1858, he had not complied with the said 48th section of the Registration Act; and that the printed register not being so signed, neither that nor the signed transcript of the revising barrister's list could be put in as evidence, neither being such a document as is required by the Act, because all the formalities so required had not been complied with. The magistrates retired to consider the above objection, and, after having been absent some time, returned, and gave their decision that the objection was a valid one, and, in consequence, discharged the case.

EASTERN COUNTIES.—*Decrease of Crime.*—The decrease of crime noticed in the eastern counties six months since continues. At Colchester and Sudbury, at the quarter sessions just closed, the criminal business was absolutely nothing at all. In the Woodbridge division of the county of Suffolk, the number of prisoners in custody was returned at twelve, against twenty-five on the corresponding day in 1858. At the Cambridge borough sessions there were only five cases for inquiry, and the Recorder (Mr. R. M. Newton) congratulated the grand jury on the state of the calendar. At the Cambridgeshire county sessions the figures submitted by the chief constable also showed a "great and gratifying decrease." In charging the Norfolk county grand jury, Sir Willoughby Jones said, he rejoiced to say the calendar was very light, and the offences were not at all of a heinous kind. The diminution of crime which was observable should be a subject of deep thankfulness, and should encourage a further development of religious instruction and moral training.

TREDEGAR.—*Stipendiary Magistrate.*—Active measures are being taken to obtain a stipendiary magistrate for the Bedwelly division. A petition is now in course of preparation, to be presented to the Lord Chancellor and the Home Secretary, signed by the leading gentlemen, tradesmen, and others, to have a certain barrister-at-law (named therein) for the appointment.—*Bristol Mercury.*

THE DUTY ON CARDS AND DICE.—From a Parliamentary paper just published it appears that in one year the duty on cards and dice amounted to 15,046*l.* 12*s.*

Ireland.

THE JUDICIAL BENCH.

Mr. Henry George Hughes, Q.C., ex-Solicitor-General, has been appointed a Baron of the Exchequer, in the room of the Right Hon. Baron Richards, who retires. The appointment will give general satisfaction, for, although a Whig and a Roman Catholic, Mr. Hughes is eminently popular with all parties. By his elevation to the bench a large amount of equity business will fall to the share of the bar. Mr. Hughes was called in Michaelmas, 1834, and has a large share of professional service to establish his claims for promotion. In 1843, he was appointed by Sir Edward Sugden (then Chancellor of Ireland) one of the commissioners in matters of lunacy. In the year following he received a silk gown. In 1850 he was raised to the post of Solicitor-General, and was a second time appointed to the office in 1858. He has been a Commissioner of the Board of Charitable Bequests since 1857, and from 1854 to 1856 he assisted the Marquis of Kildare as commissioner in the Endowed Schools Inquiry. For the last twenty years Mr. Hughes has been the undoubted leader in the Rolls Court, where his practice has been enormous. In 1855 he contested the county of Cavan, on Sir John Young's retirement, and represented his native county of Longford in the sessions of 1856 and 1857.

THE NEW SOLICITOR-GENERAL.

A somewhat unusual compliment has been paid, by his professional brethren, to Mr. Rickard Deasy, the new Solicitor-General. On Saturday evening, the learned gentleman was entertained at dinner by nearly every member of the Munster bar, Whig, Tory, and Radical, at present in town, and numbering over sixty persons. The *Freeman's Journal* thus comments upon this agreeable reunion—this rare blending of the Orange and Green in Irish politics:—

"It is honourable alike to Mr. Deasy, and to those of his professional brethren who differ from him in politics, that the compliment paid to him upon so important an occasion in his public life was unmarked by no exclusiveness of party, and had nothing about it which would take away from its simply personal character. Men of different creeds, and of every shade of political opinion, joined heartily in testifying their satisfaction at the promotion of one with whom they had been long and intimately connected in professional life. In accordance with bar etiquette, Mr. Deasy now ceases to attend circuit. The Munster bar has had the honour, on many previous occasions, of giving law officers to the Crown, and to the bench, many of its greatest ornaments among the illustrious living and the illustrious dead. It was reserved for Mr. Deasy to call forth so full, so generous, and so high a testimonial of the approbation with which his professional brethren regard his career. We understand this is the first time the Munster bar has offered such a compliment to any of its members under similar circumstances."

Scotland.

Dinner to Mr. John Archibald Campbell.—Mr. John Archibald Campbell, C.S., having lately resigned the office of Sheriff-Clerk of Mid-Lothian, after an honourable discharge of its duties during eighteen years, the incorporation of solicitors-at-law, as a token of respect and esteem, invited him to dinner on Monday last in its hall, Royal Exchange. Mr. Kenmure Maitland, Mr. Campbell's successor, was also invited, on the occasion of his entering the vacated office. Mr. Lothian, the Procurator-Fiscal of the county, occupied the chair as president of the incorporation. In proposing Mr. Campbell's health, the president briefly, but in the very kindest manner, adverted to the numerous positions of trust which, in the course of his long and active life, Mr. Campbell had creditably occupied.—*Scotsman.*

Postage Stamps for Remittances.—In order to discourage the sending of coin by post, the Postmaster-General has determined to facilitate the use of stamps for small remittances, and therefore instructions are issued that the officials at the chief district and branch offices are to purchase of persons, who may thus have an accumulation, postage-stamps joined together in strips, or two adhering, providing they are not soiled or disfigured. The following is the scale:—For £1-worth, 19*s.* 4½*d.*; 10*s.*, 9*s.* 8*d.*; 5*s.*, 4*s.* 10*d.*; 2*s.* 6*d.*, 2*s.* 5*d.*; 1*s.*, 11½*d.*; and for 6*d.*, 5½*d.* will be given.

Societies and Institutions.

LAW AMENDMENT SOCIETY.

The annual dinner of the society was held at "The Ship," Greenwich, on Saturday last. Lord Brougham took the chair, and was supported by a large number of members and their friends. Among those present were—Mr. Collier, Q.C., M.P., Mr. Craufurd, M.P., Mr. Freeland, M.P., Mr. Slaney, M.P., Mr. Alderman Salomons, M.P., Mr. Chisholm Anstey, Mr. Edward Cooke, Mr. Cookson, Mr. Commissioner Fane, Mr. Hastings, Mr. Hawes, Mr. Serjeant Manning, Mr. Roche, Mr. Pitt Taylor, Dr. Waddilove, Mr. E. Webster, Mr. T. Webster, &c.

After the cloth had been removed, and the usual loyal toasts been given,

Serjt. Manning proposed the health of the president. The learned serjeant said, that for the great progress that had been made in social reforms during the last thirty years, they were mainly indebted to Lord Brougham. The youngest member of the society would never witness as much reform as had been achieved by his noble friend.

Lord Brougham, in returning thanks, said—after alluding to a letter he had received from his learned friend, the late Lord Chancellor of Ireland, Mr. Napier, expressing his regret at being unable to attend on the present occasion, and the interest he took in the subject of law amendment—that he (the chairman) hoped and trusted that when his right hon. and learned friend was relieved from the cares of office, he would find means for entering the House of Commons again. There was George Ponsonby, who, after being Lord Chancellor of Ireland in 1806, came into the House of Commons in 1807, and took a conspicuous part for the next ten years in its proceedings. The prospects of law reform were now, no doubt, clouded over by the unhappy events of late times—by the dissolution of Parliament, and the change of Government, but above all, by that which clouded the light of day—the horrible massacre and the wholesale slaughter now going on on the Continent for the last six weeks, and had not yet ceased, and which was shocking to think of. Let them hope that it would be brought to a termination within the next few weeks, so that Europe might be said to breathe. But there had not been a total stoppage of all law reform and law amendment, as some very important measures on those subjects had already been brought forward. The present session would probably be a short one, and, he might say, selfishly speaking, that he hoped it would; as, if they were to meet again early in November, it would not be common humanity to keep them sitting until the end of August or September. If, however, no great progress could be made with any important measure in this session, some might be begun, and it was a great thing to begin measures, to have them considered in a certain degree by Parliament, and to a larger extent by the country during the recess. Among such measures were those to which Sir F. Kelly, who, he regretted, was absent, alluded at their annual meeting, and those proposed by Mr. Whiteside. He might here observe, that he was much astonished to find a difference of opinion in regard to one matter between two near relatives—Mr. Napier and Mr. Whiteside, who were brothers-in-law in a double sense, but certainly not brothers in the amendment of the law; for Mr. Whiteside had declared himself, to his great surprise, against a minister of justice. Why, it was the very thing of all others which Mr. Napier had advocated! He brought forth the subject three times in the House of Commons, and was privileged to obtain there the sanction of Sir R. Bethell to his proposal; and he (the chairman) was happy to learn that Sir Richard had nearly matured a plan for working out that great object. He relied on the wisdom of the bar to take up the question, but thought they might well entrust Sir R. Bethell, with his vast learning, accurate judgment, perseverance, and influence in the House of Commons, to deal with the subject in that assembly in the absence of Mr. Napier. He only wondered how Mr. Whiteside, whose talents they all knew and respected, could have taken such an unfortunate view of the subject. There were, however, other matters fit and ripe for their consideration. For instance, there was the consolidation of the law to which Mr. Whiteside had turned his attention. That was a subject of very great importance; but of one thing he was perfectly certain, that no kind of consolidation could be effected by bringing bills before the House of Lords, referring them to a select committee, taking the opinions of the judges upon them, and then sending them down to the House of Commons. He had tried the thing over and over again, and failed. Indeed, they had had the subject of criminal law consolidation fully discussed,

and had examined witnesses in regard to it in a select committee; and, at last, as usual, made the report strongly recommending it, but then there was no time to proceed with it. His original bill proposed to consolidate the criminal law, and criminal procedure in cases of offences against property. That bill had been discussed in committee, and a report upon it ably prepared, and ready to be sent down to the House of Commons, when it was found impossible to carry it. The real fact of the matter was, that when we had a House of Commons which consisted of a great number of lawyers, magistrates, and country gentlemen, and persons who were neither lawyers nor magistrates, any bill for the consolidation of the criminal or civil law was sure to give rise to so much discussion, that it became impossible to pass any bill on the subject. He therefore had come to Lord Lyndhurst's opinion that it was hopeless to pass such a bill through Parliament without previously referring it to a board to whom they gave their confidence. When he (the chairman) originally proposed that course, it was said to be dangerous, unconstitutional, and unparliamentary, and that it would take away the jurisdiction of Parliament, and transfer it to a body of commissioners. He replied "No; the commissioners will be merely ancillary to Parliament, and if Parliament does not think fit to sanction the result of their inquiries, the thing will not be done at all." But Lord Lyndhurst, some years afterwards, said, that unless they adopted that mode there would not be the slightest chance of obtaining any code, digest, or consolidation of the law. This was the true and practical form in which the question must now be put. If some able and learned persons, in whom Parliament would have confidence, were appointed to discharge the duty he had mentioned, and if Parliament had not confidence in them it might refuse to sanction the result of their deliberation, consolidation Acts would be passed; but by no other means could they possibly be so, unless human life was prolonged, not only over 70 years, but over 700 years, unless the day consisted not of 24, but of 240 hours, and unless the session of Parliament—which God forbid—lasted not for six months, but for six years. There were various other subjects of great importance to be brought before Parliament; for example, the present state of the Divorce Court. One thing was quite clear: there was in that court a deficiency of judicial power to deal with the cases brought before it, and this applied with so great force, that the arrears were going on increasing; but until they found that these arrears did not arise from the new establishment of the Court, the Court not having the power of at once disposing of the cases which were awaiting its establishment, no permanent arrangement could be made. If that was the case, the evil was only a temporary one; but he had reason to believe that it was not temporary, but would go on increasing, so as to be beyond the power of the Court, and that an additional number of judges was absolutely necessary. It was, he understood, proposed to make some provisional arrangement by which to secure a full Court, by the attendance of the puisne judges of the common law courts in rotation to each other, but that would be a clumsy and inartificial arrangement. Indeed, he considered that two new judges ought to be immediately appointed to the tribunal in question. There were various other objections urged against the court and its procedure. It was said to be proceeding with a degree of haste that was at once ominous and suspicious. Another objection was, that the pleadings did not bring all the circumstances of the case before the Court, and so put it on its guard against every thing like collusion. It was true it did not appear, as had been stated, that twenty-seven cases of dissolution of marriage were disposed of in one day, but that nine was the largest number so dealt with in that space of time. Still that was a greater number of divorces than yet pronounced in three years. Nine divorces in one day certainly showed a great degree of despatch, which was, perhaps, not only safe, but necessary. On the other hand, it was a subject for deliberate consideration, as it gave them every reason to suspect collusion; and, therefore, in order to prevent all grounds of suspicion, he thought there ought to be added some safeguard, in the shape of the Attorney-General, or some other party who would represent the public, and produce facts before the Court which could not now be brought forward, unless by the parties themselves, who, in 99 cases out of 100, might be in league to deceive the Court. He would only now repeat that nothing was so groundless as the charge made against the society, that it carried on it measures in a detached manner, instead of acting on some principle or system. So long as a great part of the English law was sound in principle and beneficial in its operation, to sweep away all of it, and to substitute an untried system, would be wild and dangerous. They should benefit by experience, and if experience showed that something was wanted in one place, let them endeavour to supply it; or that they had gone wrong in another direction, let them not be ashamed to admit their error, and try to retrace their steps. He might be wrong in adverting to a circumstance which he was about to state, but he could give them the one principle upon which he had always acted—the principle which he adopted even before 1828, and which he believed ran through, more or less, all the bills which he had brought in, and all the bills furthered by this society, which had either become the law of the land, or been imported into other bills which had passed. It was the substitution of natural for technical procedure in our courts of law, a principle which characterised the measures he had mentioned, and particularly that which was, perhaps, the greatest of all, the Act with regard to the law of evidence—carrying out Lord Denman's Act—to enable all parties in a suit to be examined, and which worked so beneficially. The noble and learned Lord concluded, amidst warm applause, by giving "Success to Law Amendment."

Lord BROUGHAM said, that he had next to propose to them to drink the toast of the "House of Commons." The House of Commons was, or ought to be, the representative of the nation; and, in case it was not it ought to be mended. It was their representative for the present, at least, and was, therefore, entitled to their respect.

Mr. SLANEY then returned thanks, and said, he should not now say anything about politics, but would merely remark that he had been now a quarter of a century a member of the House of Commons, and during that time he had seen there much to regret, and also much to approve. During that period he had seen great measures passed in the spirit of advancement and improvement—measures which had brought the difference between opposite parties within the smallest compass, so that it was difficult to draw the line between one side or the other. He had, too, seen in that house George Ponsonby, Tierney, Castlereagh, Peel, and his Lordship's illustrious rival, George Canning, but he had seen no man there who had done more for the advancement and welfare of this country than his noble friend in the chair. He recollected him leading the House by his glorious eloquence, and he had directed the fire of that, and the matchless perseverance of his career to the improvement of the race to which they all belonged. In answer to the toast, he had only further to say, that from his experience of the House of Commons, he believed that, upon any threat of foreign aggression, Whig and Tory, and every other class of politicians, would unite in one single sentiment for the defence of our great country.

Lord BROUGHAM next said that, before he proceeded to ask them to drink the "Bar," the presence of Mr. Fawcett reminded him of the great measures they were to expect for the amendment of the law relating to the transfer of real property. Last session a measure for that purpose had been introduced by Sir Hugh Cairns, which had many good features, but unhappily, also, some great defects, but the measure of Mr. Fawcett, while it preserved all the good qualities of Sir Hugh's bill, was without any of its defects. He found that Mr. Fawcett, as Steward of Manorial Courts in the North of England, had transferred five hundred different tenements, some of them repeatedly, by purchase, sale, demise, or mortgage; and that the transfer was made almost as certainly and securely as the transfer of stock in the books of the Bank of England. He had stated in the House of Lords that it would make their mouth water if they could have a deed of transference of estate, containing not more than 200 words, without difficulty, without danger, and without risk, and at an expense not exceeding seven shillings. He would now speak of the Bar. It was at all times, in the history of this country, a great and a renowned body. It was particularly so from the time of Erskine, the great chief of the profession, its greatest ornament, and the greatest advocate that any Bar had ever produced. It was the same in other countries. If they took the republics of Greece or Rome, they would find that there, too, the profession of the law had been renowned and illustrious, the friend of order, and the assistant of public liberty; the sure stay of the one, and the safe and certain adherent of the other. He would couple with the toast the name of his honourable and learned friend, Mr. Collier.

Mr. COLLIER, Q.C., M.P., replied to the toast. He said, that he felt some diffidence in speaking of the profession to which he had the honour to belong in the presence of the Queen's Ancient Serjeant. As, however, his Lordship had been pleased to couple his name with the toast, it became his duty to acknowledge the high sense entertained by the bar of the many handsome things which the noble Lord had said of them. He did trust, that on the whole, the members of the bar received the respect of the community. He was happy to say that they directed their energy

to the improvement of the law, and one great reason why they did so was, because they had before them the bright example of their noble president. When there were at the bar such men as his Lordship and the present Attorney-General, there was no fear of the profession losing the respect and confidence of the public. He could only say, that he trusted that they would endeavour, although haud passibus æquis, to follow in the footsteps of him on whom the profession looked as its brightest living ornament.

Several other toasts followed, and the company separated at an early hour.

Births, Marriages, and Deaths.

BIRTHS.

CORSELLIS—On July 5, at Wandsworth, the wife of Arthur Alexander Corsellis, Esq., of a daughter.

FORD—On July 6th, at Highgate, the wife of William Ford, Esq., of Gray's-inn, of a son.

HAYNES—On June 30, at Wimbledon, the wife of Freeman Oliver Haynes, Esq., Barrister-at-Law, of a son.

LEFROY—On July 5, at Homewood, Edenbridge, Kent, the wife of G. B. Lefroy, Esq., of a son.

SCRATTON—On July 3, at Tenterden, the wife of John Scratton, Esq., of a daughter.

SMITH—On July 3, at Park-lane, Reigate, the wife of C. J. Smith, Esq., Solicitor, of a daughter.

MARRIAGES.

ROBINSON—CHAMBERS—On June 30, at the parish church, Ecclesfield, by the Rev Alfred Gatty, vicar, Arthur Ingram Robinson, Esq., of Blackburn, Solicitor, eldest son of Dixon Robinson, Esq., of Clitheroe Castle, Lancashire, to Rosanna, daughter of Thomas Chambers, Esq., Thorncliffe, near Sheffield.

STUTTER—DALBY—On July 5, at St. George's, Bloomsbury, by the Rev. T. Bayley, rector, Edmund Stutter, Esq., of Sydenham, to Maria, eldest daughter of the late Henry Dalby, Esq., Solicitor, of Leicester.

DEATHS.

BALL—On July 3, at Brixton-hill, aged 70, Elizabeth, widow of Henry Ball, Esq., late of Torrington-square, Barrister-at-law.

CROSSFIELD—On June 29, at No. 2 Elizabeth-terrace, Hackney-road, Sarah, the eldest daughter of the late Abraham Crossfield, Esq., in her 37th year.

DUBOIS—On July 2, after a long illness, Harriet Ann, the wife of E. W. Dubois, Esq., of Walworth, and the Court of Bankruptcy, aged 55.

RAWSON—On June 27, Frances Elizabeth, youngest daughter of John Rawson, Esq., Solicitor, Bradford.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

ALEXANDER, LESLEY, & WILLIAM BARDGETT, Merchants, bankrupts, London, One Dividend on £2,234 : 12 : 8 Consols.—Claimed by WILLIAM PENNELL, Esq., the official assignee of the estate of the said bankrupts.

BOURNE, Lieut.-Col. GEORGE, Cardiff, deceased, One Dividend on £1,300 New 3½ per Cents.—Claimed by GILES HILTON, the surviving acting executor.

BUSHBY, LUCY ANNE, Widow, Weymouth-st., Marylebone, £100 Consols.—Claimed by LUCY ANNE BUSHBY.

FITZWILLIAM, Right Hon. WILLIAM THOMAS SPENCER WENTWORTH, commonly called Viscount Milton; the Right Hon. GEORGE EDWARD ARUNDELL, commonly called Viscount Galway; WILLIAM MORDAUNT EDWARD MILNER, Esq., of Nunappleton-hall, Yorkshire, £228 : 11 : 5 Reduced.—Claimed by Right Hon. Earl FITZWILLIAM, heretofore Viscount Milton, the Viscount GALWAY, and WILLIAM MORDAUNT EDWARD MILNER.

MUMBRAY, WILLIAM, Gent., Leather-lane, and NANCY MUMBRAY, his wife, £300 Consols.—Claimed by MARGARET MUMBRAY, Widow, surviving executrix of JOHN MUMBRAY, deceased, who was the sole executor of said NANCY MUMBRAY, deceased, who was the survivor.

NEILSON, JANE, Widow, Somers-pl., Somers-town, £250 New 3 per Cents.—Claimed by MARGARET MUMBRAY, Widow, surviving executrix of JOHN MUMBRAY, deceased, who was the sole executor of the said JANE NEILSON.

SMITH, HENRY, Captain H. M. 68th Light Infantry, £363 : 1 : 10 Reduced.—Claimed by HENRY SMITH.

Heirs at Law and Next of Kin.

Advertised for in the London Gazette.

BUSHELL, JOHN GARRETT, & ELIZABETH FLETCHER. The relatives of these families to apply by letter to B. Hope, Esq., Solicitor, 9 Ely-place.

ENTWISTLE, JOHN, Innkeeper, Blackburn (who died in March, 1855). His next of kin to apply to the District Registrar, 10 Camden-place, Preston. Entwistle and others v. Entwistle. July 18.

SHAW, BENJAMIN, Currier, Manchester. Grandchildren or grandchild to apply to the Registrar for the Manchester district, 4 Norfolk-street, Manchester. Shaw (an infant) v. Cooke and others. Aug. 3.

SHEFFERDEN, THOMAS & ELIZABETH (who died early in the last century). Their representatives to apply to Mr. Thomas Toovey, 59 Chancery-lane.

SHIPPORE, ELIZABETH (who is supposed to have resided at Bombay, in 1763). Her next of kin or representatives to apply by letter to Mr. John Carter, 86 King William-st.

THOMPSON, PATRICK, Land Bailiff, late of Astmore-within-Halton, co. Chester. Persons claiming to be brothers of Patrick Thompson, living at the time of his death, which happened in or about 1858, and the issue then living of such of the testator's said brothers (if dead) who died in his lifetime, to come in and prove their pedigree. Gray v. Thompson, M. R. July 23.

WESCOTT, JOHN & HANNAH, London (who died about 1790), and CHARLOTTE EMILY FRY, daughter of John and Honor Fry, formerly Honor Wescott, living in London in 1802. Their relatives to apply, by letter only, to — Hope, Esq., Solicitor, 9 Ely-place, Holborn-hill, London.

WHITTAKER, WILLIAM, Cotton Merchant, Higher Benellife, Lancaster (who died in or about March, 1843). Heirs or heir-at-law to prove their claims. Brown and others v. Blackburn and others, M. R. Aug. 1.

English Funds.

ENGLISH FUNDS.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock	..	..	219½ 21	221	219½ 21	221
3 per Cent. Red. Ann...	93½	93⅝ 4	94¼ ⅜	93⅝ ½	93⅝ 4	93⅝ 4
3 per Cent. Cons. Ann...	..	..	..	93⅝	93⅝ 4	93⅝ 4
New 3 per Cent. Ann...	93½	93⅝ 4	94 ⅜	93⅝	93⅝ 4	93⅝ 4
New 2½ per Cent. Ann.	..	..	..	..	..	..
5 per Cent. Ann.	..	..	..	..	..	..
Long Ann. (exp. Jan. 5, 1860)	11-16	..	..	..	..	..
Do. 30 years (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Apr. 5, 1885)	..	..	..	17⅞	..	17⅝ 19
India Stock	..	..	..	215	214	..
India Loan Debentures	94½	94½	94⅝ 5	94⅝	94½ ⅝	95½
India Loan Scrip	..	94½ ¼	94½	94½ ⅝	94½ ⅝	94⅝
India Bonds (£1,000)	..	..	..	12s d	6 12s d	10s d
Do. (under £1000)	..	..	..	..	6s d	10s d
Consols for account	93⅝ 3	93⅝ ½	93½ ½	93½	93⅝ ½	..
Exch. Bills (£1000) Mar.	..	23s 24s p	22s p	24s 22s p	22s 24s p	25s 27s p
Ditto June	..	..	..	..	..	..
Exch. Bills (£500) Mar.	..	23s 24s p	..	22s p	24s 21s p	27s 25s p
Ditto June	..	..	..	..	..	..
Exch. Bills (Small) Mar.	..	..	25s p	22s 21s p	24s 25s p	27s 25s p
Ditto June	..	..	..	..	..	..
Do. (Advertised) Mar.	..	..	..	..	..	..
Ditto June	..	..	..	..	..	..
Exch. Bonds	..	..	..	..	..	..
Exch. Bonds, 1858, 3½ per Cent.	..	..	..	..	..	..
Ditto (under £1,000)	..	..	..	..	..	..

Railway Stock.

RAILWAYS.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Birk. Lan. & Ch. Junc.	..	..	73	..	72	..
Bristol and Exeter	..	94½	..	95	95	..
Caledonian	80½	80⅝ ½	..	..	80	80 ½
Chester and Holyhead	..	..	..	..	..	..
East Anglian	14⅞	15	15½	..	14⅝	15
Eastern Counties	56½	57½	58 ⅞	57⅝ ⅜	57⅝ ⅜	58 ½
Eastern Union A. Stock	..	..	..	..	..	..
Ditto B. Stock	..	..	..	..	..	..
East Lancashire	91⅜	..	..	..	92½	93⅛
Edinburgh and Glasgow	..	..	..	..	..	..
Edin. Perth, and Dundee	..	26½ 6	25⅞ 6½	..	..	26½
Glasgow & South-Westn.	..	91½	..	..	..	..
Great Northern	100½	101⅛	100⅜	100	..	..
Ditto A. Stock	..	..	83	83	84	..
Ditto B. Stock	..	..	..	..	130	130½ 2
Gt. South & West. (Ire.)	..	..	..	104	..	..
Great Western	56⅞ ⅛	55½ 6	56 5⅛	55⅝	55½ 6	56⅛ ⅞
Do. Stour Vly. G. Stk.	..	..	..	..	..	..
Lancashire & Yorkshire	93⅜ ½	93½	93⅜	93⅜ ½	93⅜ ½	94
Lon. Brighton & S. Coast	..	112 13	..	..	113 12	113
London & North-Westrn.	..	91⅞ 2	91⅝ 2	92	91⅝ 3⅜	92⅜ ⅝
London & South-Westrn.	..	94	93⅞ 4	94 3⅞	93⅞	94⅛ 4
Man. Sheff. & Lincoln.	..	36⅞	37	..	36⅞	37
Midland	100 99⅞	100⅛	100⅛ ¼	100	100⅛	100
Ditto Birm. & Derby	75⅜ ½	..	..	..	76	..
Norfolk	87⅞	..	..	88	..	..
North British	55 ⅝	..	55⅜ 5	55	55⅛	55⅝ ⅜
North-Eastern (Berwick.)	89½	89⅝ 9½	89⅝ ½	89½	89⅜ ⅝	90 ⅜
Ditto Leeds	..	..	46⅛ ¼	2½ dis	44⅝	45⅛
Ditto York	..	..	..	72½	72½	73½
North London	..	..	..	..	..	..
Oxford, Worc. & Wolver.	..	..	33	32	31½ 2	..
Scottish Central	..	..	..	..	..	..
Scot. N.E. Aberdeen Stk.	..	24½	24¼	..	..	..
Do. Scotsh. Mid. Stk.	..	..	..	..	..	..
Shropshire Union	..	..	..	..	..	..
South Devon	..	42½	..	..	..	40½ ½
South-Eastern	69⅛ ¼	69¼ 9	69½	69	..	70 ½
South Wales	..	..	..	..	..	..
Vale of Neath	..	..	..	..	..	..

Estate Exchange Report.

AT THE MART.

By Messrs. PAGE & CAMERON.

Freehold Tithe-rent Charges, arising from about 710 acres, Lands, Bedfordshire, amounting to £223 : 19 : 0 per annum.—Sold for £4,000.

Freehold (Four) Cottages, Church-fields, Chesham, Herts; estimated value, £66 per annum.—Sold for £490.

By Messrs. FOSTER.

Freehold House, No. 64, Berwick-street, Oxford-street; let on lease for 21 years, from Sept. 1855, at £60 per annum.—Sold for £675.

Freehold House, No. 37, Griffin-street, Deptford; let at £7 per annum.—Sold for £100.

Freehold, Ivy-house, Parsons-street, Hendon, Middlesex; let at £38 per annum.—Sold for £590.

Freehold Cottage, adjoining; let on lease for 60 years from Christmas, 1836, at £8 per annum.—Sold for £200.

Freehold Ground-rents, amounting to £6 per annum, arising from Nos. 4 to 9, Thornton-street, Thornton-heath, Croydon, and a quarter of an acre of land in the rear; held for 99 years from December, 1824.—Sold for £140.

By Messrs. DICKSON & DAVENPORT.

Freehold, 1a. 1r. 18p. of land, High-road, Beaden-well, Kent.—Sold for £310.

Freehold Cottage, with garden, High-road, Beaden-well; let at £6 : 10 : 0 per annum.—Sold for £90.

Freehold Cottage and garden, High-road, Beaden-well; let at £8 per annum.—Sold for £295.

Freehold (Two) Cottages and gardens, 1a. 1r. 8p., High-road, Beaden-well; let at £28 per annum.—Sold for £405.

Freehold, 1a. 1r. 31p. of Meadow Land, Bexley-heath-road, Kent.—Sold for £700.

Freehold, 1a. 0r. 10p. of Fruit-garden, Bexley-heath-road; let at £4 per annum.—Sold for £140.

Freehold, 2a. 2r. 30p. of Marsh Land, Crab-tree Manor Way, Erith, Kent.—Sold for £200.

By Messrs. FULLER & HORSEY.

Freehold, 100 Mahogany and Logwood works, the Islands of Turneff, near Belize, British Honduras, extending over about 1,000,000 acres, with cottages, warehouses, and a policy of insurance for £10,000 on the buildings and Merchandise, also 500 working oxen, horses, and mules.—Sold for £31,000.

By Messrs. DEAN & HUDSON.

Freehold, the King's Head Tavern, Broadway, Stratford, with two houses adjoining, eight cottages, Angel-lane, a large yard and an extensive range of stabling; let on lease, which expires at Michaelmas next, at £200 per annum.—Sold for £4,230.

By Messrs. BROMLEY & SON.

Freehold Houses, Nos. 1 to 7, Lamb-lane, Hackney; let at £152 : 12 : 0 per annum.—Sold for £1,560.

Freehold Houses, Nos. 8 to 21, Lamb-terrace, and a plot of building-land; let at £308 per annum.—Sold for £3,420.

Freehold plot of Building-land adjoining.—Sold for £50.

Copyhold, six cottages, Grove-street, Hackney; let at £65 per annum.—Sold for £440.

Copyhold Ground-rent of £4 per annum, arising out of a house and shop, Grove-street.—Sold for £115.

Copyhold Public-house, "Swiss Cottage," Grove-street, and a shop adjoining; let on lease for 19 years from Lady-day last, at £50 per annum.—Sold for £990.

Freehold Baker's Shop and premises, Southgate, Middlesex; let at £20 per annum.—Sold for £310.

Freehold (Two) Cottages and gardens, Southgate; let at £16 per annum.—Sold for £265.

Freehold Butcher's Shop and premises, plot of building ground and house and shop adjoining, in the village of Southgate; let on lease, which expires at Lady-day, 1863, at £57 per annum.—Sold for 1,040.

Freehold House, No. 4, Princes-street, Rotherhithe, East Surrey; let at £30 per annum.—Sold for £150.

By Messrs. CHINNOCK & GALSWORTHY.

Leasehold House, No. 14, Paradise-street, North-street, Manchester-square; let at £30 per annum.—Sold for £300.

Leasehold House, No. 24, North-street, Manchester-square; let on lease at £45 per annum.—Sold for £500.

By Messrs. H. & H. OXENHAM.

Copyhold Residence, No. 1, Westcroft-place, Hammersmith; let at £43 per annum.—Sold for £460.

Copyhold Residence, No. 2, Westcroft-place; let at £45 per annum.—Sold for £450.

By Messrs. PETER BROAD & PRITCHARD.

Leasehold Residence, No. 2, Alma-villas, Dalston-road; estimated value, £75 per annum; term, 99 years from December, 1852; ground-rent, £6.—Sold for £900.

Leasehold Residences, Nos. 78 and 79, Albert-street, Regent's-park; let at £100 : 10 : 0 per annum; term, 97 years from Lady-day, 1844; ground-rent, £14 per annum.—Sold £1,013 : 10 : 0.

Freehold Houses and Shop, Nos. 10 and 11, Little Trinity-lane, Cannon-street; let at £75 per annum.—Sold for £700.

Leasehold House and Shop, No. 15, Nassau-place, Commercial-road East; let at £43 per annum; term, 94 years from Michaelmas, 1806; ground-rent, £7 : 15 : 0.—Sold for £340.

Freehold (Five) Two-roomed Cottages, and a Shop adjoining, in Crown-yard, Acton; annual value, £40 : 6 : 0.—Sold for £305.

By Messrs. DRIVER.

Freehold Ground-rent, of £7 : 2 : 0 per annum, arising from Nos. 2 & 3, Bow-common-road.—Sold for £120.

Freehold Ground-rent, of £48 : 5 : 6 per annum, secured on Nos. 12, 13, and 14, and 41 to 50, St. Ann's-road North, Stepney.—Sold for £850.

By Messrs. NORTON, HOGGART, & TRIST.

Freehold Residence, No. 24, Clarges-street, Piccadilly; let on lease at £55 per annum.—Sold for £900.

Freehold Residence, No. 25, Clarges-street; let on lease at £50 per annum.—Sold for £910.

Freehold Ground Rent of £16 per annum, with reversion in 1870, arising from Nos. 6 to 10, South End, James-street, Kensington. Sold for £450.

Freehold Beer Shop, The British Queen, South-end, Kensington; let at £36.—Sold for £360.

Freehold Shop and premises, adjoining the above; let at £30 per annum.—Sold for £350.

Freehold, Two Houses, adjoining the above; let at £31 : 4 : 0 per annum.—Sold for £280.

Freehold Houses and Shops, Nos. 2 & 3, Young-street, High-street, Kensington.—Sold for £770 each.

Freehold House and Shop, No. 9, Dorset-place, Pall Mall East; let at £50 per annum.—Sold for £740.

Freehold House and Shop, No. 10, Dorset-place; let on lease at £60 per annum.—Sold for £1,120.

By Messrs. WHITE & SONS.

Freehold Old Houses and Pearceland Farms, and Wakehurst Land, West Heathly & Ardingly, East Sussex, 393a. 3r. 18p.; let at £181 : 10 : 0.—Sold for £1,000.

Freehold, Bramble Hill Farm, West Hoathly, Cottages, &c., 74a. 2r. 15p.; let at £45.—Sold for £1,600.

Freehold Stone Farm, and Stone Woods, Ardingley and West Hoathly, 60a. 2r. 31p.—Sold for £1,260.

Freehold Farm, Upper Sheriff, West Hoathly, 96a. 0r. 37p.; let at £64 : 10 : 0.—Sold for £1,800.

Freehold, Strudgates and Oakes Farms, Balcombe, Sussex, 53a. 0r. 10p.; value, £66 per annum.—Sold for £1,800.

Freehold Perpetual Tithe Rent-charge, £5 : 16 : 3 per annum, charged upon lands at West Hoathly.—Sold for £84.

By Messrs. E. FOX & BOUSFIELD.

Leasehold House and Shop, No. 11, Duke's-terrace, St. James's-road, Holloway.—Sold for £310.

Leasehold Dwelling Houses, Nos. 12, 13, & 14, Duke's-terrace.—Sold for £320 each.

Leasehold Houses, Nos. 4 to 17, Everard-street, Whitechapel.—Sold for £490.

Freehold Dwelling House and Beer Shop, No. 21, Bermondsey-wall.—Sold for £340.

AT GARRAWAY'S.

By Messrs. DENT & SON.

Leasehold House and Shop, No. 32, High-street, St. Giles in the Field; let on lease at £65 per annum; term, 40 years from Lady Day, 1837; ground-rent, £13.—Sold for £420.

Leasehold Residence, No. 18, Edward-street, Upper Park-street, Dorset-square; let at £25 per annum; term 62 years from Christmas, 1858; ground-rent, £7 : 16 : 0 per annum.—Sold for £155.

Freehold Ground-rent, £6 per annum, arising from No. 24, Branswick-place.—Sold for £130.

Freehold Ground-rents, £8 per annum, arising from Nos. 2 & 4, Elizabeth-place, Ball's Pond-road.—Sold for £190.

Freehold Ground-rent, £40 per annum, secured upon Nos. 3, 9, 10, 13, 14, 15, 16, 17, & 18, Elizabeth-place.—Sold for £1,065.

Freehold Ground-rent, £12 per annum, secured on Nos. 5 & 6, Elizabeth-place.—Sold for £295.

Freehold Ground-rent, £12 per annum, arising from Nos. 8, 11, & 13, Elizabeth-place.—Sold for £295.

Freehold Ground-rent, £12 per annum, arising from Nos. 19 & 20, Elizabeth-place.—Sold for £290.

Freehold Ground-rent, £10 per annum, secured upon Nos. 1 & 2, Middleton-place, Calford-road, Ball's Pond-road.—Sold for £235.

Freehold Ground-rent, £24 per annum, arising from Nos. 1 to 12, Arragon-terrace, King Henry-street.—Sold for £560.

Freehold Ground-rent, £8 per annum, arising from No. 11, King Henry-street, and Nos. 1 & 2, Arundel-street.—Sold for £200.

By Mr. MARSH.

Freehold Dwelling House, No. 3, Fen-court, Fenchurch-street, let at £50 per annum.—Sold for £1,300.

Freehold Dwelling House, No. 2, Fen-court, let at £72 : 10 : 0 per annum.—Sold for £1,050.

Freehold & part Copyhold, Pear Tree Farm, Doddinghurst, Essex, Farm-house, Buildings, &c., 59a. 1r. 28p., let at £75 per annum.—Sold for £1,450.

Leasehold House with Shop, No. 94, St. John-street-road, Clerkenwell, let at £65 per annum; term, 99 years from March, 1818; ground-rent, £10.—Sold for £950.

Leasehold House & Shop, No. 95, St. John-street-road, let at £70 per annum; same term and ground-rent.—Sold for £980.

By Messrs. SPILLMAN & SPENCE.

Freehold, The Hill Farm, Godalming, 90a. 1r. 31p., let at £156 per annum; Residence, "The Square," Hight-street, with grounds, value, £70 per annum; and 2 houses & shops, let at £60 per annum.—Sold for £10,100.

Freehold Orchard, 1a. 34p., let at £10 per annum.—Sold for £200.

By Messrs. TOPLIS & HARDING.

Leasehold House & Shop, No. 11, Clipstone-street, Fitzroy-square.—Sold for £310.

Leasehold House & Shop, No. 19, Charlton-street, and 46, Upper Marylebone-street.—Sold for £370.

Leasehold Residence, No. 49, Great Titchfield-street.—Sold for £295.

By W. MOXON.

Beneficial Leases of No. 93, Whitechapel-road, and No. 1, Baker's-row, held for 23 years, at £54 per annum.—Sold for £330.

By Mr. ROBERT BOYCE.

Leasehold House, 16, Colebarbour-street, Hackney-road.—Sold for £140.

Leasehold Houses, Nos. 1 to 4, Manchester-street, Bethnal-green.—Sold for £270.

Leasehold House, No. 9, Caroline-street, Hackney-road.—Sold for £80.

Improved Ground Rents, amounting to £101 : 18 : 6 per annum, arising from properties in Brighton-place, Charles-street, King-street, Chapel-street, and Queen-street, Hackney-road.—Sold in 5 lots for £980.

By J. J. ORGILL.

Leasehold Public-house, "The Queen Elizabeth," King's-row, Walworth-road; an underlease will be granted for 31 years from Midsummer, 1859, at £75 per annum.—Sold for £4,000.

By Mr. JOHN P. SELF.

Lease and Goodwill of the "Duke of Sussex" Public-house, Manor-place, Haggerstone, with 2 houses in the rear; a lease will be granted for 31 years from June, 1859, at £100 per annum; the cottages are now let at £49 : 8 : 0 per annum.—Sold for £4,050.

By Messrs. CHAPTER & SON.

Freehold, "The Greyhound" Public-house, Brick-street, Piccadilly; let at £50 per annum.—Sold for £790.

By Messrs. ELLIS & SON.

Copyhold Houses, Nos. 45 & 46, Robin Hood-lane, Poplar; let at £30 : 11 : 0 per annum.—Sold for £280.

Copyhold Dwelling-house, No. 49, Robin Hood-lane, with plot of ground at the back thereof; let at £21 per annum.—Sold for £360.
Copyhold Houses, Nos. 1 to 5, Katherine-place, near Robin Hood-lane, Poplar; let at £48 : 15 : 0 per annum.—Sold for £390.
Copyhold Houses, Nos. 1 & 2, Nightingale-place, Limehouse; let at £27 : 6 : 0 per annum.—Sold for £300.

By Mr. Daniel Cronin.

Lease and Goodwill of the Crown Public-house, Cranbourn-passage, Cranbourn-street, Leicester-square; held for 60 years from Midsummer last, at £40 per annum.—Sold for £310.
Freehold, the Grapes Public-house, No. 70, Milton-street, Cripplegate; let on lease for a term, of which 10 years were unexpired at Christmas last, at 18 guineas per annum.—Sold for £700.
Freehold House and Shop, No, 71, Milton-street; let on lease at £16 : 10 : 0 per annum.—Sold for £600.
Lease and Goodwill of the Marlborough Tavern, Public-house, Abbey-road, St. John's-wood; held for 84 years from Midsummer last, at £40 per annum.—Sold for £5,240.

By Messrs. Price & Clark.

The Absolute Reversion to Eight Parts or Shares of £535 : 9 : 6 Three per Cent. Consols, and of £993 : 2 : 0 New Three per Cents., receivable on the death of a Lady in her 73rd year.—Sold for £260.
The Absolute and Contingent Interests of George Drake, a Bankrupt, in certain Freehold and Leasehold Hereditaments, situate in Westminster, the Strand, Chelsea, Brompton, Union-street, Middlesex Hospital, and Hook in Luney.—Sold for £915.

By Messrs. Farebrother, Clark, & Lye.

Freehold Villa, the Tower, Surbiton-hill, Kingston; let at £45 per annum.—Sold for £850.
Freehold, 2 Cottages adjoining the above; let at 5s. & 6s. per week.—Sold for £370.
Freehold Residence, No. 81, Virginia-terrace, Great Dover-street, Southwark; let at £42.—Sold for £590.
Freehold Residence, No. 68, Great Bland-street, Southwark; let at 35s. per month.—Sold for £265.
Freehold Residence, No. 69, Great Bland-street, Southwark; let at 35s. per month.—Sold for £250.
Freehold Residence, No. 70, Great Bland-street, Southwark; let at 35s. per month.—Sold for £260.
Freehold Residence, No. 71, Great Bland-street, Southwark; let at 35s. per month.—Sold for £265.
Leasehold, Coach-house and Stabling, Nos. 2 & 3, Burwood-mews, Edgware-road; let at £37 : 16 : 0 per annum; term, 63 years unexpired, at a peppercorn.—Sold for £220.
Leasehold, Farrier's Shop and Premises, No. 4, Burwood-mews; let at £45 per annum; same term; ground-rent, £8.—Sold for £330.
Leasehold, Coach-house and Stabling, No. 5, Burwood-mews; let at £40 per annum; term, 63 years; ground-rent, £8.—Sold for £280.

By Messrs. Blake.

Freehold Residence and Grounds, &c., about 20 acres, "Birdhurst," Croydon, Surrey.—Sold for £9,000.

By Messrs. J. & J. Nash.

Copyhold Farm, "Toovies," Worth, Sussex, and Burslow, Surrey; residence, buildings, and 163a. 1r. 31p. arable, pasture, and woodland.—Sold for £4,920.

By Messrs. Field & Faithfull.

Lease and Goodwill of the Duke of Clarence Public-house, Clapton-square, Hackney; held for 30 years from Christmas last, at £25 per annum (the stables are let at £15 per annum).—Sold for £2,060.

By Messrs. P. & J. Belton.

Freehold, the Rose and Crown Public-house, Dean-street, Oxford-street; let on lease at £63 per annum.—Sold for £1,575.
Improved Rental of £48 : 8 : 6 per annum, arising from the Ashby Castle Tavern, Northampton-square, Clerkenwell; term, 22 years from Lady-day last.—Sold for £425.
Leasehold Residence, No. 16, Charles-terrace, Victoria-park; let at £36 per annum; term, 80 years from 24th June, 1859; ground-rent, £5.—Sold for £380.

By Messrs. Kennedy & Bonny.

Leasehold Residence, No. 1, Southampton-street, Mornington-crescent; annual value, £45; term, 99 years from Michaelmas, 1800; ground-rent, £3 : 3 : 0 per annum.—Sold for £420.
Leasehold House, No. 14, Smith-street, Somers-town; let at £24 per annum; term, 31 years from Christmas, 1858; ground-rent, 10s. per annum.—Sold for £175.

Value of Land in Wales.—A sale of Copyhold Estates, under an order rom the Court of Chancery, was held by Mr. Marsh, of London, at the Cardiff Arms, Cardiff, on Saturday last, when, after a spirited competition, the result of the sale was as follows:—Lot 1, comprising about 36 acres, and producing about £35 per annum, realised £1,700, or nearly £50 years' purchase. Lot 2, 6 acres, let at £8 : 10 : 0 per annum, £350, or about 40 years' purchase; and Lot 3, producing £1 : 10 : 0 per annum, £110, or about 73 years' purchase.

London Gazettes.

Commissioners to administer Oaths in Chancery.

Tuesday, *July* 5, 1859.

Moorhaff, William, Gent., Cockermouth, Cumberland.

Friday, *July* 8, 1859.

Granger, Charles, Gent., Leeds. June 29.
Lovett, Philip William, Gent., Guildford and Chobham. June 18.

Professional Partnerships Dissolved.

Friday, *July* 8, 1859.

Caparn, Richard, & Edward George Atliff, Attorneys, Holbeach and Long Sutton; by mutual consent. July 4.
White, Robert Aslack, & Robert Henry Johnston, Attorneys & Solicitors, Grantham; by mutual consent. July 1.

Bankrupts.

Tuesday, *July* 5, 1859.

BROOKS, Joseph, Licensed Victualler, Birmingham. *Com.* Sanders: July 21, and Aug. 11, at 11; Birmingham. *Off. Ass.* Kinnear. *Sol.* Sill, Birmingham. *Pet.* June 30.
DULLENS, Hugo, General Merchant, 27 Fore-st., Cripplegate (Dullens, Grogan, & Co.) *Com.* Fane: July 15, at 2, and Aug. 12, at 1.30; Basinghall-st. *Off. Ass.* Whitmore. *Sol.* Labrow, 22 Chancery-lane. *Pet.* June 24.
DRUCE, Thomas Allen, Innkeeper, Witney, Oxfordshire. *Com.* Fonblanque: July 18, at 12, and Aug. 17, at 12.30; Basinghall-st. *Off. Ass.* Stansfeld. *Sols.* Shaen & Grant, Kennington-cross. *Pet.* July 5.
GROSSE, John Louis, & James Thomas Braidley, Merchants, 13 Mosgate-st. *Com.* Fonblanque: July 16, at 12.30, and Aug. 17, at 1; Basinghall-st. *Off. Ass.* Stansfeld. *Sol.* Howell, 15 Bow-lane. *Pet.* June 29.
JONES, Abraham, Edge Tool Manufacturer, Wharf-st., Birmingham. *Com.* Sanders: July 18, and Aug. 8, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Tyndall, Son, & Johnson, Birmingham; or James & Knight, Birmingham. *Pet.* June 24.
MITCHELL, Henry, Butcher, High-st., Ryde, Isle of Wight. *Com.* Fonblanque: July 16, at 1; and Aug. 15, at 12; Basinghall-st. *Off. Ass.* Graham. *Sol.* Peckham, 40 Ludgate-hill. *Pet.* June 21.
POWELL, James, Draper, 13 Middle-row, Knightsbrige. *Com.* Fane: July 14, and Aug. 19, at 11.30; Basinghall-st. *Off. Ass.* Cannan. *Sols.* Mason & Sturt, 7 Gresham-st. *Pet.* July 2.
SIMPSON, Frederick, Draper, Birmingham. *Com.* Sanders: July 21, and Aug. 11, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* James & Knight, Birmingham. *Pet.* July 2.
WALKER, John, Auctioneer, 15 Southampton-st., Holborn, and Walham-green. *Com.* Fonblanque: July 16, and Aug. 17, at 12; Basinghall-st. *Off. Ass.* Stansfeld. *Sols.* Robson & Baughan, 13 Clifford's-inn. *Pet.* July 1.

Friday, *July* 8, 1859.

BAILY, George Miller, Grocer, Liverpool. *Com.* Perry: July 29 and Aug. 12, at 11; Liverpool. *Off. Ass.* Bird. *Sols.* Evans, Son, & Sandys. *Pet.* July 7.
BARBER, Robert, Cow Keeper, Little Bentley, Essex. *Com.* Fane: July 22, at 12; and Aug. 19, at 11; Basinghall-st. *Off. Ass.* Cannan. *Sol.* Jones, Colchester. *Pet.* July 6.
BINNS, Joshua, Soap Manufacturer, Openshaw, near Manchester. July 28, and Aug. 25, at 12; Manchester. *Off. Ass.* Hernaman. *Sols.* Beale & Jellicorse, Manchester. *Pet.* July 4.
DOVER, Henry John, Builder, Anerley-vale, Norwood. *Com.* Fane: July 21, and Aug. 19, at 1.30; Basinghall-st. *Off. Ass.* Whitmore. *Sol.* Armstrong, 33 Old Jewry. *Pet.* July 4.
DUNLOP, John, Draper, Tredegar, Monmouthshire. *Com.* Hill: July 19 and Aug. 16, at 11; Bristol. *Off Ass.* Acraman. *Sols.* Waldron, Cardiff; or Bevan, Girling, & Press, Bristol. *Pet.* July 1.
DUNNELL, John, Licensed Victualler, College-st., Camden-town. *Com.* Goulburn: July 18, at 12.30; and Aug. 22, at 2; Basinghall-st. *Off. Ass.* Pennell. *Sols.* Pownall, Son, & Cross, Staple-inn. *Pet.* July 5.
FLINT, Charles, Embroiderer, Gt. Marlow. *Com.* Fonblanque: July 20, at 12.30; and Aug. 17, at 1.30; Basinghall-st. *Off. Ass* Graham. *Sols.* Mason & Sturt, 7 Gresham-st. *Pet.* July 6.
LEVY, Ernest, Jeweller, 352 Strand. *Com.* Goulburn: July 19, at 12, and Aug. 22, at 1; Basinghall-st. *Off. Ass.* Nicholson. *Sols.* Taylor & Woodward, 23 Gt. James-st. *Pet.* July 4.
OLIVER, John, Timber Merchant, 26 Worship-st., Finsbury. *Com.* Fane: July 21, at 2, and Aug. 18, at 1; Basinghall-st. *Off. Ass.* Johnson. *Sol.* Taylor, 15 South-st., Finsbury. *Pet.* July 6.
WRIGHT, William Robert, Auctioneer, 8 Bucklersbury. *Com.* Fane: July 21, and Aug. 19, at 1; Basinghall-st. *Off. Ass.* Whitmore. *Sol.* Holmer, jun., 24 Bucklersbury. *Pet.* July 6.

MEETINGS FOR PROOF OF DEBTS.

Tuesday, *July* 5, 1859.

Aas, Gunder Anthon Martin, Ship Broker, 19 Colchester-st., and late of 10 Gould-sq. (Windle & Co.) July 26, at 11; Basinghall-st.
Adams, William James, Merchant, formerly of America-sq. (Lough & Adams), now of Lansdowne-circus, South Lambeth. July 27, at 12.30; Basinghall-st.
Bircher, George Rose, Innkeeper, Burton-upon-Trent. July 28, at 11; Birmingham.
Blakemore, John Harris, Ironfounder, Wednesbury, Staffordshire. July 28, at 11; Birmingham.
Cheetham, Thomas, Thomas Thornley, & Thomas Lomas Ivatt, Hosiers, Basford, Nottinghamshire. July 26, at 11.30; Nottinghamshire.
Crook, Edward Gulen, Apothecary, Chorley. July 20, at 12; Manchester.
Jones, William Buckley, & Henry Dermot Dempsey, Ship Builders, Liverpool (W. B. Jones & Co.) July 28, at 11; Liverpool.
Hamer, James, & John Hamer, Flour Dealers, Bolton-le-Moors, Lancashire (James & John Hamer). July 19, at 12; Manchester; &c. &c. each.

METCALF, JOHN, & JOHN LILLY, Glovers, Birmingham, Aug. 3, at 11; Birmingham.

NICHOLSON, JOHN, Watchmaker, High-st., Andover. Aug. 4, at 1.30; Basinghall-st.

SMITH, CHARLES, Miller, Bulwell, Nottinghamshire. July 26, at 11.30; Nottingham.

TURNER, WILLIAM HENRY, Draper, 69, 70 & 89 Bishopsgate-st. Without. July 27, at 12; Basinghall-st.

FRIDAY, *July* 8, 1859.

BARNES, JOHN, Builder, Dorchester. Aug. 1, at 12; Exeter.

BURKE, JAMES, Contractor, 38 Vincent-sq., Westminster. July 29, at 1.30; Basinghall-st.

EARLY, CHARLES PHILLIPS, & ALFRED RAINS, Wholesale Druggists, Liverpool. Aug. 5, at 11; Liverpool.

FORD, ROBERT, Grocer, 29 Boundary-road, St. John's-road, and 7 High-st., Marylebone. Aug. 1, at 1; Basinghall-st.

FREEMAN, HENRY, & CHARLES CHARTIER, Licensed Victuallers, 73 Cheapside. Aug. 1, at 11; Basinghall-st.

GREEN, CHRISTOPHER THOMAS, Oil & Colourman, 39 Colet-pl., St. George's East. Aug. 1, at 2; Basinghall-st.

HILL, JOSHUA, Joiner, Fairfield, Liverpool. Aug. 5, at 11; Liverpool.

HITCHINGS, WILLIAM, Linen Draper, Moretonhampstead. Aug. 1, at 12; Exeter.

LAIRD, MACGREGOR, Commission Agent, Birkenhead. July 29, at 11; Liverpool.

LAIRD, WILLIAM, Merchant, Birkenhead. July 29, at 11; Liverpool.

MERRIMAN, JOHN, Draper, South Shields. Aug. 5, at 12; Newcastle-upon-Tyne.

PRATT, HENRY JOSEPH, Trunk Maker, 123 New Bond-st. July 29, at 11; Basinghall-st.

REDES, JOHN, Draper, Stamford. July 29, at 11.30; Basinghall-st.

SCHOFIELD, JOHN, Builder, Morley, Yorkshire. July 29, at 11; Leeds.

SCHWARTZ, MORRIS, Clothier, Haydon-sq., Minories. July 29, at 1; Basinghall-st.

SMITH, SAMUEL, Woollen Manufacturer, Batley Carr, Dewsbury. July 29, at 11; Leeds.

SOLOMON, SOLOMON, Tailor, 1 Strand. July 29, at 12; Basinghall-st.

STUART, HENRY JOHN, Tavern Keeper, Jermyn-st. July 29, at 12.30; Basinghall-st.

TAYLOR, ROBERT, Iron Ore Merchant, Stoke Gabriel, Devonshire. Aug. 1, at 12; Exeter.

TAYLOR, THOMAS, Grocer, 11 Osborne-pl., Blackheath. July 29, at 1.30; Basinghall-st.

VARTY, THOMAS, & ELWIN HENRY OWEN, Publishers, 31 Strand. July 29, at 2; Basinghall-st.

YOUNGMAN, SAMUEL WOOD, Wine Merchant, Norwich. Aug. 1, at 12; Basinghall-st.

CERTIFICATES.

To be ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting*

TUESDAY, *July* 5, 1859.

ADAMS, WILLIAM JAMES, Merchant, formerly of America-sq., now of Lansdowne-circus, South Lambeth (Lough & Adams.) July 27, at 1.30; Basinghall-st.

ANDREWS, JOHN, Fellmonger, Liverpool. July 28, at 11; Liverpool.

ARNOLD, ALFRED, & HENRY ARNOLD, Booksellers, 164 Tottenham-ct.-rd. (Arnold Brothers.) July 27, at 12; Basinghall-st.

BRADLEY, THOMAS GILES, Wholesale Druggist, Manchester. July 28, at 12; Manchester.

CHEETHAM, THOMAS, THOMAS THORNLEY, & THOMAS LOMAS INGLE, Hosiers Basford, Nottingham. Aug. 2, at 11.30; Nottingham.

FRAMPTON, BENJAMIN, Hair Dresser, 3 Lion-gate-rd., Landport, Hants. July 27, at 2; Basinghall-st.

FROST, JOSEPH, Silk Throwster, Derby. Aug. 2, at 11.30; Nottingham.

HASLAM, JONATHAN MOSS, Cotton Doubler, Portwood, Stockport. July 29, at 1; Manchester.

HODGOCK, THOMAS, Painter, 22 Bridge-st., St. Helen's, Lancashire. July 29, at 11; Liverpool.

NICHOLSON, JOHN, Watch Maker, High-st., Andover. July 28, at 11.30; Basinghall-st.

NUNN, CHARLES, Innkeeper, Gt. Coggeshall, Essex. July 27, at 1; Basinghall-st.

REYNOLDS, WILLIAM CHARLES, Licensed Victualler, Golden Horse, Aldersgate-street. July 26, at 12; Basinghall-st.

SCOTT, JOHN, Flour Dealer, Warrington. July 27, at 12; Manchester.

SOWDEN, GEORGE, Plumber, Town Hall Plain, Gt. Yarmouth. July 28, at 11; Basinghall-st.

FRIDAY, *July* 8, 1859.

ATTON, CHARLES, Builder, Attleborough, Norfolk. Aug. 2, at 1.30; Basinghall-st.

CALLOWAY, JOHN, Tea Dealer, Cirencester. Aug. 1, at 11; Bristol.

CHILD, JOHN, & JOHN PICKLES, Contractors, Wakefield. July 29, at 11; Leeds.

EDWARDS, EDWARD, Ironmaster, Abenbury Vichan, Flint, July 29, at 11; Liverpool.

JOSEPH, CHARLES HENRY (otherwise Charles Henry Joseph), Licensed Victualler, 74 & 75, Strand. July 29, at 1; Basinghall-st.

MIDDLETON, THOMAS, Gas Fitter, Sheffield, Yorkshire, July 30th, at 10; Sheffield.

KOPPEL, LUDWIG WILLIAM, Merchant, Bootle, Liverpool. Aug. 2, at 12; Liverpool.

WADE, JAMES JOHN, Grocer, Braintree, Essex. July 29, at 1.30; Basinghall-st.

To be DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *July* 5, 1859.

BENTON, MARK, & JOHN BENTON, Joiners, Leeds (M. & J. Benton). July 1, 2nd class.

CASPER, ISAAC GEORGE, Shoe Manufacturer, Close and St. Simon's, Norwich (G. Casper & Co.) June 28, 2nd class.

DURRELL, JOSEPH, & GEORGE GREENACRE, Millers, Briggate Mills, Norfolk. June 28, 2nd class to G. Greenacre.

FITCHETT, RICHARD THOMAS, Tailor, 6 Hanover-st., Hanover-sq. June 28, 2nd class, subject to a suspension of 3 months.

FLEESON, ELIZA, LUCY FLEESON, & HANNAH FLEESON, Milliners, Brighton (E. & L. Fleeson). June 24, 2nd class.

GLENNIE, THOMAS, Boarding House Keeper, 32 Harley-st., Cavendish-sq. June 30, 2nd class.

HARRATT, CHARLES, Iron Merchant, 2 Royal Exchange-bldgs., & Canning-town, Bow-creek. June 24, 2nd class.

HAWKINS, RICHARD, Cattle Dealer, Carmarthen. June 28, 1st class.

JOYNER, ROBERT, Grocer, Mill-st., Liverpool. June 30, 2nd class.

MASON, ROBERT, Wholesale Stationer, 22 Bryan-st., Caledonian-rd. June 28, 3rd class, subject to a suspension of 12 months.

PARKINS, JAMES, Auctioneer, Minerva-ter., New-cross, & 5 Grocers' Hall-ct., Poultry. June 23, 3rd class, subject to a suspension of 12 months.

PARRINDER, WILLIAM, Grocer, Liverpool. June 30, 3rd class.

SPLATT, SAGAR HOLDEN, Sailmaker, formerly of Salthorpe-bldgs., Liverpool, now of 379 Strand (Splatt, Black, & Co.) June 28, 3rd class, subject to a suspension of 12 months.

TAYLOR, JAMES, Cotton Spinner, Tottington Lower End, Lancaster (Eccles, Nuttall, & Co.) June 30, 3rd class, after suspension for 2 years from June 18, 1857, to R. Eccles.

WISE, JOHN, & GEORGE EDWARD WEBSTER, Coopers, 12 New Weston-st., Southwark (Wise & Webster). June 20, 1st class, and 2nd class to G. E. Webster.

FRIDAY, *July* 8, 1859.

COPLEY, JOHN, Cabinet Maker, Westgate-street, Gloucester. July 5, 1st class.

FORD, ROBERT, Grocer, 29 Boundary-rd., St. John's-rd, and 7 High-st., Marylebone. June 29, 2nd class, after suspension of 6 months.

LATCH, JOHN, Ship Broker, Bristol (in copartnership with J. N. Knapp, & S. D. Jenkins, Cardiff, and at Newport.) July 5, 2nd class.

LIDDLE, DUNCAN ROBERT BARHAM, Wine Merchant, 67 Princes-st., Leicester-sq. June 29, 3rd class, to be suspended 2 years.

POTTER, GEORGE, Lime Merchant, Earl-st., Blackfriars. June 27, 2nd class.

ROGERS, HENRY JAMES VANZOELEN, & ALFRED GLADSTONE, Insurance Brokers, 24 Billiter-st. (Rogers, Gladstone, & Co.) July 2, 2nd class.

SPAWTON, WILLIAM, JOHN HILL, STEPHEN RICHARD OWEN, & JULIEN ROBLENS, Carriers, Northampton. July 2, 2nd class.

TAYLOR, WILLIAM JAMES, Chemist, North Shields. July 4, 3rd class; to be suspended 3 months.

TIBBS, WILLIAM, Leather Manufacturer, Ketton, Rutlandshire. July 2, 3rd class.

TURNER, WILLIAM, Sail Maker, North Shields. July 5, 3rd class; to be suspended for 21 days.

WYNN, WILLIAM NATHANIEL, Auctioneer, 3 Thornton-row, Greenwich. July 2, 1st class.

Assignments for Benefit of Creditors.

TUESDAY, *July* 5, 1859.

CURTIS, WALTER MARRELEY, Spirit Merchant, Liverpool, and 12 Dale-st. June 20. *Trustee*, J. Bewley, Accountant, 16 Brunswick-bldgs., Liverpool. *Sol.* Wood, Liverpool.

EMERY, RICHARD, Grocer, Bedford. June 20. *Trustees*, E. Coleman, Wholesale Grocer, Ampthill, Bedfordshire; C. Teede, Wholesale Grocer, College-hill. *Sols.* Eagles, Bedfordshire; or Richardson, 15 Old Jewry-chambers.

HUDSON, JAMES, Gent., 12 Hanover-sq. June 16. *Trustee*, H. Manning, Merchant, 251 High Holborn. *Sols.* Raw & Gurney, 7 Furnival's-inn.

MOSS, HENRY, Tailor, Daventry, Northamptonshire. June 11. *Trustee*, R. Hocking, Woollen Warehouseman, 2 Gresham-st., London. *Sols.* Lepard & Gammon, 9 Cloak-lane.

PERCIVAL, WILLIAM, Grocer, Barnetby-le-Wold, Lincolnshire. July 1. *Trustees*, W. Coulson, Grocer, Brigg, Lincolnshire; J. Ogle, Miller, Brigg, Lincolnshire. Creditors to execute before Oct. 1. *Sol.* Bird, Brigg.

PRICE, MARTHA, Tailor, Broad-st., Oxford. June 23. *Trustees*, H. Goulding, Warehouseman, New Bond-st.; E. Beaumont, Lincndraper High-st., Oxford. *Sols.* Mallam, Oxford; or Mallam, 1 Staple-inn.

THOMPSON, THOMAS, Builder, Pocklington, Yorkshire. June 27. *Trustees*, T. Beal, Merchant, Pocklington, Canal Head; E. Scaife, Plumber, Pocklington; W. Wilson, Cabinet Maker, Yorkshire. *Sols.* Powell & Son Pocklington.

FRIDAY, *July* 8, 1859.

GRAVES, WILLIAM HENRY, Ironmonger, Olney, Buckinghamshire. June 13. *Trustees*, J. S. Keep, Merchant, Birmingham (Keep Brothers); W. Sutton, Merchant, Birmingham (Sutton & Ash). Creditors to execute before July 13. *Sol.* Garrard, Olney.

HALL, JOHN, & WILLIAM ROBINSON, Tailors, Manchester. July 6. *Trustees*, W. Prince, & T. Wharram, Woollen Merchants, Manchester. *Sol* Hankinson, Manchester.

JACKSON, WILLIAM MALCOLM, & JOHN PERRY JACKSON, Shipwrights, Liverpool. July 2. *Trustee*, J. Finney, Accountant, Liverpool. *Sol.* Yates, jun., Liverpool.

POOLE, JOHN, Stationer, Ilkeston, Derbyshire. June 27. *Trustees*, J. Goddards, Joiner, Ilkeston; M. Smith, Miner, Ilkeston. *Sol.* Shaw, Derby.

ROBERTS, WILLIAM, Stock Broker, Liverpool (Roskell & Roberts). June 13. *Trustees*, W. Cafferata, Stock Broker, Hill House, Wavertree; W. Cham-

bres, Stock Broker, Wallasey, Birkenhead; W. W. St. George, Stock Broker, Holly Bank, Clifton-park, Cheshire. *Sols.* Norris & Son, Liverpool.

Woodrow, Alfred, Shirt Manufacturer, 59 Wood-st., Cheapside. June 16. *Trustees*, J. C. Wilson, Commission Agent, Trump-st.; E. Phillips, Manufacturer, Manchester. *Sol.* Solo, Aldermanbury.

Creditors under Estates in Chancery.

Last Day of Proof.

Tuesday, *July* 5, 1859.

Farebrother, Charles, Alderman of the City of London, Moat House, Stockwell, Surrey, and Lancaster-pl. (who died in or about the month of Mar., 1858). Austin *v.* Farebrother, M. R. July 29.

Geary, Thomas, Licensed Victualler, Greenwich (who died in or about the month of Dec., 1845). Geary *v.* Geary, M. R. July 27.

Ketley, Joseph, Clerk, 27 Charles-st., Berkeley-sq. (who died in or about the month of Aug., 1857). Ketley *v.* Ketley, M. R. July 20.

Roylance, George, Farmer, Wardle, Bunbury, Cheshire (who died in or about the month of Oct., 1857). Roylance *v.* Vickers, M. R. July 29.

Shaw, George, Wire Worker, Manchester (who died in the month of May, 1858). Shepherdson *v.* Wilde, M. R. Aug. 1.

Tell, John, Leather Manufacturer, Kidderpore Hall, Bengal (who died in or about the month of Dec., 1854). Tell *v.* Barlow (otherwise Tell), V. C. Stuart. Aug. 5.

Thompson, Patrick, Land Bailiff, Ashmore-within-Halton, Cheshire (who died in or about the year 1858). Gray *v.* Thompson, M. R. July 23.

Whitakes, William, Cotton Merchant, Higher Beneliffe, Lancashire (who died in or about the month of Mar., 1843). Brown & others *v.* Blackburne & others, M. R. Aug. 1.

Friday, *July* 8, 1859.

Aglionby, Henry Aglionby, Esq., Manor-cottage, Caterham, Surrey, and Nunnery, Cumberland (who died in or about the month of July, 1854). Lance & another *v.* Aglionby & others, M. R. Aug. 8.

Elletson, Daniel Hope, Gent., Parrox Hall, Fleetwood, Lancaster (who died in or about the month of March, 1856). Elletson & Waithman *v.* Elletson, M.R. July 20.

English, Augustus Frederick, late a Lieutenant in the 22nd Regiment of Bengal Native Infantry (who died on the 10th of June, 1857, at Mowadubba, East Indies). English (an infant) *v.* English, V. C. Wood. Dec. 1.

Entwisle, John, Innkeeper, Blackburn, Lancashire (who died in the month of March, 1855). Entwisle & others *v.* Entwisle, District Registrar, 10 Camden-pl., Preston. July 18.

Maudell, John, Gent., Southampton-pl., St. Pancras, Middlesex (who died in 1809). Taylor & Others *v.* Jameson, M.R. Oct. 31.

Newall, Robert, Boot & Shoemaker, Warrington, Lancashire (now deceased). Peverley & others *v.* Megson, Registrar for Manchester District, 4 Norfolk-st., Manchester. Aug. 4.

Sumner, James, Gent., 1 Clifton-st., Wandsworth-rd., Surrey (who died in or about the month of September, 1858). Flatlier *v.* Sumner & others. M. R. Nov. 2.

Winding-up of Joint Stock Companies.

Unlimited, in Chancery.

Tuesday, *July* 5, 1859.

National Alliance Assurance Company (Registered).—V. C. Wood, July 8, at 3, to make a call on the list of Contributories of £9 per share.

Plumstead, Woolwich, and Charlton Consumers Pure Water Company (Limited).—V. C. Kindersley, July 14, at 1, to settle the list of Contributories.

Limited in Bankruptcy.

Friday, *July* 8, 1859.

Great Western Iron Company (Limited).—July 22, at 11, Bristol; for proof of debts and appointment of Official Liquidator.

Howbeach Coal Company (Limited).—Pet. for winding up, Aug. 6, at 11.30; Basinghall st. Com. Fonblanque.

Scotch Sequestrations.

Tuesday, *July* 5, 1859.

Macintyres & Company, Calico Printers, Colinslee, Paisley. July 8, at 1; Rose and Thistle Hotel, Paisley. *Sec.* June 29.

Muir, Gilbert, Draper, Maybole, Ayr. July 13, at 12; King's Arms Hotel, Maybole. *Sec.* June 30.

Pettigrew, John, Farmer, Brownhill, Lanark. July 15, at 2; Bruce Arms Inn, Hamilton. *Sec.* July 1.

Friday, *July* 8, 1859.

Beaton, John, Grocer, 134 Nicolson-st., Edinburgh. July 13, at 3; Black's Sale-rooms, Edinburgh. *Sec.* July 4.

Fraser, John, Saddler, Cromarty. July 14, at 2; Commercial Temperance-hotel, Cromarty. *Sec.* July 5.

Hearder, Richard, Manufacturing Chemist, Glasgow. July 12, at 2; Faculty-hall, Glasgow. *Sec.* July 4.

Herbertson, James Herbertson & Co.), Wright and Builder, Glasgow. July 15, at 12; Faculty of Procurators'-hall, Glasgow. *Sec.* July 5.

Jack, William, Grocer, Cowgate-head, Edinburgh (W. & D. Young & Co.) July 15, at 2; Stevenson's rooms, Edinburgh. *Sec.* July 4.

Wilson, Charles, Joiner, Lochmaben. July 13, at 12; Queen's Arms-hotel, Dumfries. *Sec.* June 28.

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THE SOLICITORS' JOURNAL.

LONDON, JULY 16, 1859.

CURRENT TOPICS.

The Bill which we printed last week, for the improvement of the education of solicitors, has passed a second reading, and will go through both the Houses, in all probability, without any opposition. The Divorce Court is to be strengthened by the addition of all the fifteen judges, as assessors to the Judge-Ordinary, for the purpose of decreeing dissolution, and an attempt is to be made to check collusion by enforcing a reference to the Attorney-General in every case. This is an experiment, but it is one which the Government were bound to try before saddling the country with fresh judges. Bankruptcy reform is to stand over for another session.

Elsewhere in our columns will be found a report, which has emanated from the Liverpool Law Society, on Chancery Reform. Our Liverpool friends for some years have taken the lead amongst provincial law reformers, and have published from time to time many of the most seasonable and useful *brochures* which have appeared on the subject. The present report will not lessen their reputation; and we confidently ask for it the attentive perusal of persons who, though not lawyers themselves, nevertheless feel an interest in the great social movements of the day, and desire to see the machinery of English jurisprudence such as natural justice and public convenience demand. All such persons cannot but regard it as a very hopeful sign of great future progress in the department of the law, to find a body of lawyers devoting themselves earnestly, as the Liverpool Law Society have done for years, to the accomplishment of this most desirable object.

For the present we must content ourselves by a reference to that portion of the report which relates to the existing mode of taking evidence in courts of equity. We quite agree with the authors of the report as to the capital error of the system which prevents an examination or cross-examination from being conducted in the presence of the judge who has to decide the case. Apart from all the obviously bad consequences that result from this proceeding, such as the impossibility of the judge knowing anything of the manner or character of the witness by personal observation, there is the further evil of the enormous expense of taking down the whole of what is said by the witness, without any power in the presiding examiner to check irrelevant questions or improper answers; and then the further expense of copies of such evidence for all the parties in the cause who may be affected thereby. Any person, who has the least experience in the matter, is aware of how little worth is the product—when you have it—of all this cumbrous machinery. Reduced to a narrative form, and presented in such a shape, or with such a colour as the examiner, perhaps unconsciously, is disposed to impart to it, will not unlikely—when it comes to be read and handled by a skilful counsel in court—create an impression, the very opposite to what it would have produced if the witnesses were examined in court, instead of at the office in Rolls-yard. Lord Lyndhurst's speech, on Tuesday night, is but an utterance of what is universally felt as the great desideratum of modern Chancery practice, notwithstanding the most useful Acts and orders of 1852, which were far too tender in dealing with the subject now before us. The *Times* hits the question with its usual force and felicity, and remarks in a leading article of yesterday that—

> The most extraordinary part of the case is, that a power of examining witnesses viva voce does exist, though greatly circumscribed, and that this power is not made use of by the Court in one-tenth of the cases where it would be of advantage. The examination must be with the consent of the judge and of both the parties to the suit. It is this optional examination which the public desire to see made a matter of course. Let the Court of Chancery take evidence orally, and make frequent use of the jury-box, on which it now looks so much askance, and the chief steps will have been taken towards that fusion of equity and common law which is the desire of every scientific lawyer. As this consummation must come at last, it is as well that both branches of the judicature should prepare for it by adopting what is best in each other's practice, and by smoothing over the difficulties which lie in the way of a homogeneous judicature. While the common lawyers are relaxing their technicalities under the softening influence of equity, the Court of Chancery may well incorporate in its practice that matchless system of eliciting truth and exposing falsehood which has grown up with trial by jury.

We have much pleasure in stating that Vice-Chancellor Sir William Page Wood has accepted the chair of the Jurisprudence Department of the Social Science Association for the ensuing year, and will deliver an address at the third annual meeting at Bradford, on the 10th of October next. It would be difficult to find any one connected with the legal profession who, from position, acquirements, and character, is more eminently suited to discharge the duties thus entrusted to him than is Vice-Chancellor Wood. The high respect in which he is held by men of all parties, the urbanity of his demeanour, and his known sympathy with all efforts for social improvement, assure us that the legal chair at Bradford will be not only efficiently, but popularly filled. We have little doubt that the Vice-Chancellor will touch, in his opening address, on the importance of improving legal education in our Inns of Court, a subject to which he is known to have directed his zealous attention.

The solicitors' rifle corps has been warmly taken up, and we see that a meeting is to be held on Friday next, to make the preliminary arrangements. The attendance is sure to be considerable, and as we believe the matter to be in good hands we expect a successful result.

We are absolutely obliged, by press of matter, to defer to next week the valuable paper of Mr. W. D. Lewis, to which we have already alluded, and also reviews of books and other articles.

COLLISIONS AT SEA, AND THE LIABILITY OF SHIPOWNERS.

The Liverpool Chamber of Commerce, in an able report just published, have drawn attention to the anomalous state of the law relating to collisions at sea, and the consequent responsibility of shipowners, arising out of the decisions in *Cope* v. *Doherty*. Our readers will be aware that the 504th section of the Merchant Shipping Act (17 & 18 Vict. c. 104) has limited the responsibility of an owner for any damage to another ship

caused by collision with his own vessel, to the amount of the value of his own ship and of its freight, without reference to the pecuniary loss sustained by the owner of the vessel run down. The principle of this section has been recognised for more than a century by our Legislature, and has been expanded from time to time to meet the necessities of commerce, and to combat the perils to which shipowners were exposed at common law. It was thought neither just nor politic to apply the responsibility of carriers, or the maxim which holds a principal liable for the acts of his agents, to the employers of seamen navigating ships beyond the possible control of the owners, and exposed to circumstances which the owners could not foresee. As long since as the year 1733 a case occurred (*Boucher* v. *Lawson*, Rep. temp. Hardwicke, p. 85) which greatly alarmed the London merchants, and led to the enactment of the 7 Geo. 2, c. 15. In this case a parcel of gold coin had been delivered to the master of a vessel at Lisbon, to be carried to London. The master embezzled the coin, and the consignee sued the owner of the vessel for the amount lost. The judge at the trial declared that the owner of the vessel was liable for such losses, if the goods were received on freight, and in the ordinary course of the master's employment. Upon this the Act above mentioned, limiting the liability of shipowners, for the embezzlement of goods on board by the master or crew, to the value of the ship and the amount of freight, passed both Houses without a division. This enactment was extended by the 26 Geo. 3, c. 86, which also relieved the owners from responsibility for loss or damage by fire; and the principle was still further widened, or rather given a new direction of the most important character, by the 53 Geo. 3, c. 159, which extended the limitation to claims against shipowners arising out of collision with the ships of other owners. Thus, it will be observed that the limitation of responsibility gradually established by the law in favour of shipowners not only exempts them from the usual liability of carriers for the goods entrusted to their care, but also protects them, in a measure, from the acts of their servants wrongfully done to the vessels and property of others. This principle is embodied in the 504th section of the Merchant Shipping Act in the following terms:—

> No owner of any sea-going ship, or share therein, in cases where all or any of the following events occur, without his actual fault or privity:—
>
> 1. Where any loss of life or personal injury is caused to any person being carried in such ship:
> 2. Where any damage or loss is caused to any goods, merchandise, or other things whatsoever, on board any such ship:
> 3. Where any loss of life or personal injury is by reason of the improper navigation of such sea-going ship as aforesaid, caused to any person carried in any other ship or boat:
> 4. Where any loss or damage is, by reason of any such improper navigation of such sea-going ship as aforesaid, caused to any other ship or boat, or to any goods, merchandise, or other things whatsoever, on board any other ship or boat—
>
> Is answerable in damages, to an extent beyond the value of his ship, and the freight due or to grow due in respect of such ship during the voyage, which, at the time of the happening of any such events as aforesaid, is in prosecution or contracted for, subject to the following proviso:—that, in no case, where any such liability as aforesaid is incurred, in respect of loss of life or personal injury to any passenger, must the value of any such ship and the freight thereof be taken to be less than £15 per registered ton.

We are not aware that either the justice or expediency of this enactment have ever been questioned, and we proceed to show how much it has been narrowed by the decisions in *Cope* v. *Doherty*, which are now attracting the notice of the mercantile world.

One night the "Tuscarora," an American ship, ran into and sank the "Andrew Foster," another American vessel, in St. George's Channel. The latter was totally lost, with her cargo; and when the "Tuscarora" put back into Liverpool to repair damages, she was seized under an order of the Admiralty Court, for £8,000. Bail was given for this amount, and also for a further sum of £1,800, subsequently claimed by another part owner of the "Andrew Foster;" but when a further compensation was claimed, raising the total demand to upwards of £30,000, proceedings were taken on behalf of the defendants, and the case ultimately brought before the Court of Chancery. The Court was asked to direct an inquiry into the value of the "Tuscarora," which was alleged to be £10,000, and to protect her owner, under the Merchant Shipping Act, against any demand for compensation beyond this sum.

Vice-Chancellor Wood held that the 304th section of the Merchant Shipping Act does not apply to foreign vessels, and, consequently, that the owner of the "Tuscarora" was liable to the uttermost farthing of the value of the ship and cargo run down.

We can hardly believe that the Legislature intended to treat foreign shipowners with such marked injustice. No other country sees so many foreign pennants approach its shores, and it would not be possible out of England to do so much injury at one stroke to the interests of international commerce. But the consequences of this judgment will have a wider range than may at first sight appear. The American law is similar to our own on this point, and though we believe that no decision has yet been pronounced on the construction of their statute, it is probable that if any case arises American judges will follow the English precedent. We shall then see British-owned vessels navigating American waters exposed to the ruinous loss which the "Tuscarora" has experienced on our own shores; and English merchants, we hear, are already speculating on the probability of being held answerable for some ship laden with Californian gold to the amount of £100,000, when run down by a comparatively worthless English vessel. But even without bringing in any future contingency, the present position of affairs is bad enough; English commerce is so completely spread over the globe, that injustice to foreign merchants instantly re-acts at home; and we believe that in the very case which has exposed this singular defect in our law, the loss will be partly sustained by English houses. Self-interest, as well as equity, must compel the interference of Parliament, and, as the law limiting the liability of shipowners has been created from time to time, to meet the hardship of particular cases, we trust that the Legislature will promptly carry it out to its legitimate conclusion, and extend the benefits of the 304th section of the Merchant Shipping Act to shipowners of all countries.

The Courts, Appointments, Vacancies, &c.

COURT OF CHANCERY.

(Before the LORDS JUSTICES of APPEAL.)

Dixon v. *Wilkinson.—July* 8.

This case, heard on the 19th of April last, was placed on the paper for judgment. It relates to the liability of solicitors to make good losses incurred by a young lady whose solicitors the solicitors were during her infancy. Vice-Chancellor Kindersley dismissed the petition.

Their Lordships affirmed the decision of the Vice-Chancellor, and dismissed the petition, but without costs.

(Before Vice-Chancellor Sir J. STUART.)

Judd v. *Ollard.—July* 2.

This was a bill by a client against his solicitor, for the purpose of setting aside a mortgage given by the former to the latter, on the ground that the plaintiff had never received the sum which was alleged in the mortgage to have been received by him, that the plaintiff was very illiterate, and did not understand the nature of the mortgage, and that he executed it without having had any other professional advice than that of the defendant, on understanding its true nature.

The VICE-CHANCELLOR said that the evidence had shown to his complete satisfaction, that the amount stated in the mortga

was really and justly due from the plaintiff to the defendant, and in dismissing the bill with costs, observed that illiterate clients could not make their want of literature a ground of equity in this court; but that it especially behoved solicitors who had transactions of the nature in question with such clients to preserve all the evidence relating to them.

GUILDHALL.

Smith v. *The Great Northern Railway Company.—July* 2.

This case, which may be well termed a cause célèbre, owing to the fate of the jury on the former trial after Hilary Term, was brought to a conclusion, after it had occupied the Court two days and a half, by the jury, after an absence of only half an hour, finding for the company.

The LORD CHIEF JUSTICE refused to go into the question as to whether the line was properly executed or not, as he considered the finding of the jury on the former occasion had fully decided that matter, and in favour of the company.

Mr. *Baddeley* then applied to the Court to stay execution for the costs until the plaintiff had time to consider what steps he should take in order to set aside the verdict. There were two other actions pending in the Exchequer, in which precisely the same issue was raised, and it might be that the verdicts there would be in favour of the plaintiffs. In that case it might be fitting to move the Court in Michaelmas Term for a new trial on the ground that the verdict was against evidence, and even, perhaps, because of the improper rejection of evidence. To whatever cause the accident was attributable, there was no doubt his unfortunate client had been most seriously affected by the injury, and he was sure it would be no hardship on the company to postpone the demands of their costs until Michaelmas term. It should be remembered that this was the sixth time the issue between the parties had been tried, but the first in which the company had obtained a verdict.

The LORD CHIEF JUSTICE said, it was not open to him to grant the application; he must decide upon the general principle. At the same time he was quite sure, considering that this poor man had been greatly injured, the company would deal with him in a merciful spirit, and not compel him to pay their costs.

Mr. R. *Clark* said, undoubtedly his clients would upon all such occasions be disposed to act in the spirit to which his Lordship had pointed. At the same time it was right he should state that no less than nine actions had been brought against the company on account of this accident by one attorney.

The *Attorney.*—Only five.

Smith v. *Simpson and others.—July* 4.

The plaintiff, an attorney, residing near the Thames Police Station, sued the defendants to recover the balance of a bill of costs incurred in conducting a criminal prosecution. During the latter part of the year 1857 a number of tradesmen, and among them the defendants, had been defrauded by a gang of swindlers, who pretended to trade under the name of Duval & Co. The policeman who was engaged in tracing out the case, advised the parties to employ a solicitor, and told them that they could not do better than go to the plaintiff. They accordingly went to the plaintiff's office, and he took down the names of the defendants.

The defendant Small, who had let judgment go by default, was examined, and he said that the parties defrauded had all agreed to pay their share of the expenses.

The other defendants were examined, and Simpson denied having employed the plaintiff at all; Northern, one of the defendants, stated that whatever had been the original arrangement, he had put an end to it on the day of the examination at the Police-office, when the magistrate informed him that transactions with the prisoners merely created a debt, and did not form the subject of a criminal prosecution.

The jury found a verdict for the plaintiff as against Simpson and Small, and a verdict for the defendant as against Northern.

Dixon and another v. *White.—July* 8.

The plaintiffs, Messrs. Dixon & Co., were the bankers in Chancery-lane, and they brought this action against the defendant, Mr. White, a solicitor, to recover the sum of £2,243, being the balance of a banking account due to the plaintiffs. The defendant pleaded the Statute of Limitations.

It appeared that prior to the year 1847, the defendant and his then partner, Mr. Whitmore, kept an account at the plaintiffs' bank, and on Mr. Whitmore's retirement in that year, at the plaintiffs' request, the balance due from the firm of White & Whitmore was carried to the defendant's private account. From that time to the commencement of this action, no payment had been made to the plaintiffs on the defendant's private account, notwithstanding that applications had been made by the plaintiffs to the defendant on the subject. In order to rebut the defence arising under the Statute of Limitations the plaintiffs proved that, in February, 1853, the defendant, in consequence of one of the plaintiffs' applications, called at the banking-house, and saw the plaintiff, when, after a conversation respecting the account, he asked for his passbook, which was handed to him, with the account of principal and interest, made up to that time.

A letter from the plaintiffs' attorney to the defendant, asking for the payment of principal and interest due, and the defendant's answer, stating that "My friend Mr. Dixon has no misgivings about me," were put in, with other correspondence.

The LORD CHIEF JUSTICE intimated his opinion that the letter was not sufficient acknowledgment of the debt to take the case out of the statute; but he left it to the jury to say whether there was an accounting and promise to pay in 1853, giving the defendant leave to move to enter the verdict in his favour if the Court should be of opinion that there was no evidence to go to the jury.

The jury found for the plaintiffs, and a verdict was accordingly returned in their favour for the amount claimed, subject to the defendant's leave to move.

Bayle v. *Grayson.—July* 11.

This was an action upon a bill of exchange for £30, accepted by the defendant and indorsed to the plaintiff. The defendant pleaded fraud.

The affirmative issue being upon the defendant he was first called.—He stated that he was an attorney; that the bill was brought to him without a drawer's name; that it had been given for costs; that the whole bill was written by a man named Pound, who had been clerk to an attorney named Gay, who was now dead. In his cross-examination the witness contradicted himself very much, and when shown an affidavit which he had made, and which was in complete contradiction to the evidence he was then giving, he said that clause was a clerical error. In his affidavit he stated that the plaintiff was an agricultural labourer and a pauper. He now said that he had sent a person to make the inquiries, who told him that he was a respectable man, though of humble means. He had also been told that he was a householder and a wheelwright.

The Judge asked Mr. Francis if he thought they could believe this witness?

Mr. *Francis* said, it might be capable of explanation.

The jury said, they were perfectly satisfied, and could not believe the witness.

The Judge ordered the witness to be detained, but upon inquiry, finding that no notes of the evidence had been taken, he went to consult the Chief Justice, and upon his return he stated his regret that the Chief Justice agreed with him that, in the absence of the evidence, he ought not to commit the witness, and ordered him to be discharged.

Verdict for the plaintiff, with immediate execution.

COURT OF PROBATE AND DIVORCE.

Buckley v. *Tidswell.—July* 13.

This was a business of proving in solemn form the will of the late Samuel Buckley, an attorney, practising in Manchester, by which he left the whole of his property to his wife, and appointed her sole executrix. The defendant, a brother-in-law, a former partner, and one of the next of kin of the deceased, denied the due execution.

The will was executed on the 12th of September, 1857, and Mr. Buckley died in January last. The attesting witnesses having been examined and cross-examined,

His Lordship held that the will had been duly executed, and decreed probate, each party to pay their own costs.

BUSINESS OF THE COURT.

The last sittings of the full Court occupied eight days. Their Lordships in that time disposed of fifty-one petitions. In thirty-six cases decrees of dissolution of marriage were granted; in five cases decrees of judicial separation were granted; in one case the decree was suspended, and in another the further hearing was adjourned; in two cases the petitions were dismissed; four cases were struck out because no one appeared in them; and two were put at the bottom of the list because no copies of the pleadings had been delivered to the judges.

MR. JUSTICE THERRY.—After a service of nearly thirty years in New South Wales—during which period, besides other

offices, he filled the prominent ones of Attorney-General and Judge of the Supreme Court—Mr. Therry has returned to England. On the eve of his departure from Sydney, a public dinner was given to him, attended by about 300 leading colonists, of all political parties; and a subscription was entered into (which the last overland mail announces to amount to several hundred pounds) to present him with a testimonial commemorative of his official career and public services. The *Sydney Herald* thus notices Mr. Therry's then intended departure:—"Among our public losses, the projected departure of Mr. Justice Therry is not the least to be lamented. Our limits will not now permit us to do justice to his long, honourable, and useful career. Mr. Justice Therry has been always a favourite with the profession and with the public. Ever compassionate and humane, he has had firmness to vindicate the law. Witty, like most of his countrymen, full of anecdote, and radiant with kindness, he has the qualities which especially attach and preserve friendships. He has long served the colony, and he is entitled to the repose he naturally seeks in the land of his birth."

The Assistant Judgeship.—At the ordinary meeting of the magistracy of Middlesex, held on Thursday, at the Guildhall, Westminster, to take into consideration business relating to the county, a long discussion took place with regard to the Middlesex Criminal Justice Bill, which proposes that an addition of £300 per annum should be given to the assistant judge; and several magistrates having expressed their opinions upon the subject, it was ultimately resolved: "That this Court trusts that Parliament will see the necessity of paying the whole of the salary of the office, it being, in the opinion of this Court, most objectionable that any part of the salary should be paid out of the county rate."

A Royal Claimant.—Those who are interested in royal scandal will, it is said, before long have their tastes gratified. I understand that Sir C. Cresswell is likely before long to be called upon to investigate the rights of a person who claims to be a descendant of the Duke of Cumberland (the brother of George III.), and who will apply to the Court under that portion of its jurisdiction which requires it when called upon to make declarations of legitimacy. The case will, I have some reason to believe, be rendered still more interesting by scraps from the correspondence of the most eminent men of the time, which will form part of the evidence. And unless I am very much misinformed as to the eminent legal practitioners who are to support the claimant's cause, I must suppose it to be both bonâ fide and plausible. Perhaps, indeed, it may be too plausible to come to trial; for it would hardly be pleasant for the highest personage in the realm to see an unknown stranger enter the royal family. It looks like a case for compromise.—Correspondence of *Manchester Examiner*.

An Incident at the Levee.—It is not unlikely that some who attended the Queen's Levee at St. James's Palace on Saturday, the 25th ult., may have witnessed the very unusual sight of a peer standing immediately in her Majesty's presence with his head covered. This was no other than John Constantine De Courcy, Lord Kingsdale, Premier Baron in the peerage of Ireland, whose ancestor, John De Courcy, having been betrayed into the hands of King John, was conveyed to England and confined in the Tower, where he remained unnoticed until a champion of Philip, King of France, appeared at the court of John, and proposed to assert his master's claim to Normandy in single combat. De Courcy was considered as a fit person to meet this challenge, which he at last accepted, after many indignant refusals. When he entered the list, the Frenchman, terrified at his stern aspect and gigantic size, declined the combat and basely retired. De Courcy, having won this bloodless victory, exhibited a proof of his strength at the request of the two kings, by cleaving at one blow a helmet, coat of mail, and stake, on which they were fastened. John gave him his liberty, restored him to his possessions, and, in compliance with a singular request by De Courcy, granted to him and his heirs the privilege of standing covered *in their first audience* with the kings of England. Thus we have seen this noble baron assert this singular privilege after the lapse of six centuries and a half; nor was any disrespect intended to the fair and illustrious lady who now fills the throne of these realms, for as he stood before her he raised his hat and feathers, and slowly replacing it upon his head retired from the royal presence. Her Majesty at once acknowleged the right.

Judge Micalleff has been appointed President of the Courts of Law at Malta, in the room of Sir P. Dingli, retired, and Dr. Naudi has been nominated judge, in the room of Dr. Micalleff, promoted.

Notes on Recent Decisions in Chancery.

(By Martin Ware, Esq., *Barrister-at-Law*.)

Probate Duty—Confirmation in Scotland—Stat. 21 & 22 Vict. c. 56.

Re Booth's Trusts, 7 W. R., V. C. S., 522.

This was a decision on a point arising out of the new Act, extending the effects of probates in England and Ireland, and confirmations of wills in Scotland, over all parts of the United Kingdom (20 & 21 Vict. c. 56). The Act gives power, in the case of a person dying domiciled in Scotland, and having assets in England or Ireland as well as in Scotland, to the Commissary Court of Scotland, to grant confirmation to his executors, which shall extend over all his effects, in whatever part of the United Kingdom they may be situated. And the executors in Scotland are to make an inventory of all his assets in all parts of the United Kingdom, and to pay the probate duty on all. The 12th & 13th sections then provide, that the confirmation being produced in the Probate Courts of England or Ireland, and sealed, shall thenceforth have the effect of an English or Irish probate. But it may happen that the stamp duty may be differently calculated in different parts of the country, and then a conflict will arise as to the law which is to govern. In the present case that difficulty arose. The testator, who was domciled in Scotland, was entitled to a reversionary fund in England, expectant on the death of a tenant for life. The testator died in 1838; the tenant for life did not die till 1857; and the testator's executors did not prove his will till 1858, after the passing of the new Act; they included in their inventory the English fund which had just fallen into possession, and paid the probate duty on it, according to the Scotch law. According to the custom of the Scotch Courts, the duty was calculated on the value of the reversion at the death of the tenant for life, and was, therefore, very much less than the duty which would have been payable in England, where it is calculated on the value of the fund when it falls in. The executors having presented a petition for payment to them of the the fund, which had been paid into the English Court of Chancery, the Commissioners of Inland Revenue claimed the additional duty. But the Vice-Chancellor held, that the Court was bound by the proceedings of the Scotch Commissary Court, and that no additional duty could be claimed.

The case appears important; for probably many other cases may occur under the Act of conflict of law between the two countries; but the construction adopted by the Vice-Chancellor seems reasonable, that one Court ought not to sit in judgment on the proceedings of the other, but ought to presume everything to be rightly done.

Trustees—Breach of Trust—Compound Interest.

Townend v. *Townend*, 7 W. R., V.C.S., 529.

The principal point in this case related to the rate of interest which ought to be charged against trustees and executors who retain the trust-money in their own hands, and employ it for their own profit. The general rule where trustees retain trust-money uninvested, or lose it, is, that they should account for the principal, with interest at £4 per cent. Where there is gross negligence, or fraudulent or improper conduct, they are often charged £5 per cent.; and, in some few cases—as, for instance, where they have used the trust-money in trade, contrary to the trust—they have been made to pay compound interest. Lord Cranworth, in *Attorney-General* v. *Alford* (4 De G. M. & G. 843), disapproved of the practice of making the trustees pay more interest than they had actually received, or ought to have received. He thought that it was unreasonable to make such an order as a *penalty*; for the Court might as well make the trustees pay back more principal than they had received, as more interest than they had received. *Stuart*, V. C., also, in the present case, expressed his dissatisfaction with Lord Cranworth's decision. It was a case where the trustees under a will, who were the surviving partners of the testator, used the trust-money in carrying on the trade The Vice-Chancellor made them pay compound interest at £5 per cent. His Honour remarked—"I am perfectly sensible that in questions of this kind I have, in the way of charging trustees with compound interest, gone further than some other judges of this court." He then referred to the case of *Attorney-General* v. *Alford*, and said, that he could not help thinking that, if Lord Cranworth had reconsidered the matter on a more profound view, he would probably have come to a different conclusion.

There is, however, no real discrepancy between the points

actually decided in the two cases; for in *Attorney-General* v. *Alford* there was no evidence that the trustee had employed the money in trade, or made any profit by it, which is particularly taken notice of by the Lord Chancellor. Mr. Lewin, in his recent edition of his work on "Trusts," takes the same view of the case before Lord Cranworth. He observes:—"The particular case before his Lordship was merely one of omission to invest, under circumstances of gross negligence; and it is conceived that, although his observations cast a degree of doubt over the class of authorities last referred to, they cannot be considered as overruled." ("Lewin on Trusts," 3rd edition, 363.)

SEPARATION DEED—ANNUITY TO WIFE—PUBLIC POLICY.

Crouch v. *Waller*, 7 W. R., L. C., 523.

A husband and wife having quarrelled, their differences were submitted to arbitration, and, in pursuance of the award, two deeds were executed. One was a separation deed, agreeing that the parties should live separate, that the wife should have the custody of the children, and that the deed should be void if the parties cohabited again. The other was a settlement in which no mention was made of the separation deed, and an annuity was granted to the wife for her life, and also an annuity to the children after her death. The wife's annuity having fallen into arrear, the wife filed a bill for its recovery. The Master of the Rolls considered that the two deeds formed all one transaction, and that, as he could not enforce the separation deed, as being contrary to public policy, he could not enforce the annuity deed. The Lord Chancellor has however reversed this decision, holding, that as the grant of the annuities was not conditional, but absolute, the plaintiff was entitled to enforce it. If the annuity to the wife had been made conditional on her living separate from her husband, or on her supporting the children, it would have been otherwise.

Notes on Recent Cases at Common Law.

(By JAMES STEPHEN, Esq., *Barrister-at-Law, Editor of "Lush's Common Law Practice," &c., &c.*)

COUNTY COURT—CONSTRUCTION OF 9 & 10 VICT. c. 95, s. 128.

Corbett v. *The General Steam Navigation Company*, 7 W. R., Exch., 498.

This was a question as to the proper application of 9 & 10 Vict. c. 95, s. 128, in cases where the party to be sued is a *corporation*. The provision gives the county court and the superior court a concurrent jurisdiction in several cases; and, amongst others, in a case "where the plaintiff dwells more than twenty miles from the defendant." The present action had been brought against the above company, in respect of the loss of a certain parcel of goods delivered to them as carriers for the purpose of being conveyed to the plaintiff, at the place of whose residence the defendants have an office, though their chief office is in London. The plaintiff not having recovered the requisite amount to entitle him to costs, unless he could show that the county court and superior court had concurrent jurisdiction under the above provision, argued that the defendant, being a corporation, could only have a dwelling in a figurative sense; and that the place where they mainly carried on their business must be regarded as such dwelling, and not the habitation of their local agent. This same point having been decided in a previous case in the Common Pleas (*Minor* v. *The London and North Western Railway Company*, 1 C. B., N. S., 325), the Court of Exchequer, in the present case, gave the plaintiff his costs against the company, in accordance with that decision. (See "Broom's Practice of the County Courts," p. 75).

It should be noticed that, in the report of the above case, the judgment of *Channell*, B., does not seem to be intelligible. The word "not" probably slipped in by mistake, and the Baron should have been made to say that the case *was* one of concurrent jurisdiction. Otherwise the rule moved for would not have been made absolute.

FRACTIONAL PART OF DAY—CROWN AND SUBJECT.

Wright v. *Mills*, 7 W. R., Exch., 498.

This case involved the following point of practice. In the case of *Reg.* v. *Edwards* (9 Exch. 32) it was held (though not unanimously) that where an adjudication in bankruptcy, and the appointment of an official assignee, takes place at an earlier period of the same day on which a suit of *extent* is issued against the bankrupt for a Crown debt, the fraction of a day is not to be taken into account, and the title of the Crown will prevail. This decision was, in the Court of Exchequer, arrived at on the ground that the rule, that the law takes notice of fractional parts of a day in certain cases of conflicting rights between subject and subject, has no application when the rights of the Crown are concerned. In the Exchequer Chamber, however, in which the judgment of the Barons in this case was subsequently argued and affirmed, it was supported on the broader principle, that whether between the Crown and subject, or subject and subject, judicial acts must be considered to have taken place at the earliest possible period of the day on which they are done, and must take precedence of all other acts done on the same day. This last principle was applied to the circumstances of the present case, where (the action being on a bill of exchange) the plaintiff, after obtaining a verdict, had signed judgment on the same day, but in point of fact, *after* the defendant died. A judge at chambers made an order to set aside the judgment so signed as irregular, but the Court rescinded this order on the authority of *Reg.* v. *Edwards*, above referred to.

It is somewhat difficult to understand this case as reported. The order to set aside the judgment, is stated to have been made on the authority of *Chick* v. *Smith* (8 Dowl. 337). But that case was as to the regularity of an execution writ issued on the day of the death of the judgment creditor; and in point of fact, after that event had occurred. But in the present case, the judgment itself would seem to be valid under the statute, 17 Car. 2, c. 8, or 15 & 16 Vict. c. 76, s. 136 (it being entered up within two terms after verdict) without the necessity for resorting to any such general principle as that laid down in *Reg.* v. *Edwards*. (See "Chitty's Archbold," by Prentice, P. V., c. xxxiii.)

MERCANTILE LAW AMENDMENT ACT, 1856, CONSTRUCTION OF

Williams v. *Smith*, 7 W. R., Exch., 503.

Some account of this case, and the effect of the decision in the Court in which the action was commenced, will be found in our first volume, p. 639. It turned on the construction of the Mercantile Law Amendment Act, 1856 (19 & 20 Vict. c. 97, s. 1), by which it was enacted that no execution writ should prejudice thenceforth the title to the goods of the judgment debtor, provided such title had been acquired by any person bonâ fide, and for a valuable consideration, before the actual seisure by the sheriff; and provided also that such purchaser had not at the time notice that there was in the sheriff's hands unexecuted, some writ under which the goods in question might be seized. The Court of Exchequer held that this provision was not intended to affect any transaction which had taken place before the date of the passing of the Act—in other words, that the provision was not to any extent retrospective. This view has now been affirmed by the Exchequer Chamber, upon the authority chiefly of a case in the Court of Error, which had not been determined when the original judgment in *Williams* v. *Smith* was given, viz. *Jackson* v. *Woolley* (27 L. J. 449). There the Court reversed a judgment of the Queen's Bench, which held the statute in question to have a retrospective operation; being induced so to hold by an erroneous reading of the Act by *Kindersley*, V.C., in *Thompson* v. *Waithman* (26 L. J., N. S., Ch., 136), a decision by which they considered themselves to be bound. Both in *Jackson* v. *Woolley*, and in the present case, however, much stress was laid upon an earlier and well-known decision, as affording the proper key to the question as to whether any particular statute is intended to have a retrospective operation. This is the case of *Moon* v. *Durden* (2 Exch 22), where it was laid down that the principle of "nova constitutio futuris formam imponere debet, non præteritis," is one of such obvious convenience and justice, that it must always be adhered to in the construction of statutes, unless there is something on the face of the enactment putting it beyond all doubt that the Legislature meant it to operate retrospectively.

Parliament and Legislation.

HOUSE OF LORDS.

Monday, July 11.

PETTY SESSIONAL DIVISIONS BILL.

This Bill was read a third time and passed.

Tuesday, July 12.

THE IRISH LAW COURTS.

The Marquis of CLANRICARDE, in moving for a number of returns relative to the business and proceedings of the courts

of law in Ireland, said, that the proceedings in them had during the last few years greatly diminished, and therefore he thought that the number of judges, clerks, and masters, might be reduced.

Earl GRANVILLE said, there would be no objection to the returns, which were accordingly made.

COURT OF CHANCERY.

Lord LYNDHURST then rose to move for the appointment of a select committee to inquire into the mode of taking evidence in the Court of Chancery and its effects. He said: In the administration of justice, the first step is to ascertain the facts, and then to apply the law. The machinery for the purpose of ascertaining the facts ought to be such as is well calculated to elicit the truth, and to perform that cheaply and at a convenient time. That is very well and very satisfactorily accomplished in the courts of common law. When the parties are at issue they attend before a tribunal with their witnesses, and the witnesses are examined and cross-examined in the presence of the tribunal. The observations of counsel are made upon the case, either to the Court or the jury, as the case may be, and while the impression of the evidence is fresh upon their minds they come to a determination. Now the Court of Chancery at one time pursued a course directly the reverse; they administered written interrogatories to the witnesses and cross-interrogatories at the same time. The cross-interrogatories were drawn up before the answers were given. The original interrogatories, therefore, for the purpose of cross-examination, were wholly inefficient. Various attempts have been made to alter that proceeding; the last in 1854, by a commission that sat for that purpose. Previously to the commission to which I refer, the mode of examination was this:—The witnesses were examined and cross-examined orally before examiners. That led to considerable expense, and one objection; but the main objection was, that the evidence was taken by one set of persons, and the case was to be decided by another set, who had no opportunity of seeing the witnesses or judging of the correctness of their testimony by their demeanour. Then the examination was by affidavit. The solicitor, or the clerk of the solicitor, goes to a witness, who is a willing witness, and puts to him leading questions for the purpose of drawing out those facts that are serviceable to the cause of his client, but he does not put a single question that may tend to elicit a fact that may be disadvantageous to his client. When this is done, the process, which is called by the profession "cooking the affidavit," begins. The solicitor draws the affidavit in the most artificial form. He points and extends all the material facts in favour of his client, and every word that may possibly be of disadvantage to his client is avoided. The case does not stop here. The solicitor who draws the affidavit is generally a very acute practitioner, and understands his business perfectly well; but he is not satisfied with his draught. He thinks it must be touched up by a more experienced and more dexterous hand; and takes it to counsel to settle it, as it is called. My noble and learned friend on the woolsack, who has had a great deal of experience in the courts of common law, will, I think, be able to carry back his recollection to the time of Lord Ellenborough. If any person, in the time of Lord Ellenborough, in a court of common law, said a word about counsel settling an affidavit, the learned judge would have immediately burst out and said: "What do you mean? Counsel to be tampering with the evidence of the witnesses?" So that no person in a court of common law would venture to talk of settling an affidavit by counsel. But this in the Court of Chancery is encouraged. The cost of settling is allowed in the taxation. It is sanctioned by the Court. When the affidavit is perfected in the manner I have stated, the party attends, not before a judge, but before an officer who swears this affidavit. It is read over to him, and it is altered according to the circumstances. The witness is careless or attentive, according to circumstances, while the affidavit is being read, and after it is read he signs it. Now what is the oath? "Is that your signature?" "Yes." "Is the affidavit true?" "Yes." Is it satisfactory that an oath should be administered in that form? What is the form of oath upon the examination of witnesses? "The evidence that you shall give shall be the truth, the whole truth, and nothing but the truth." But in the case of an affidavit the only question is, "Are the contents of the oath true?" Without any great stretch of conscience the party swears that the contents are true, although the affidavit does not contain the whole truth. The affidavit is filed. Copies after copies of these affidavits have to be supplied. Your Lordships will mark that I have been mentioning only one affidavit, but there may be twenty in a cause, and the course of each is the same. Now, my Lords, I shall be told that a remedy has been proposed for this—the remedy of cross-examination. But first let me mention the fact that if I call a witness in a common law court I pay for that witness. In the Court of Chancery, if a witness make an affidavit and the other parties wish to cross-examine, they have to find the witness, bring him before the court, and attend the cross-examination. The whole is at the expense of the cross-examiner. If I am an unhappy party in a Chancery suit, and want to exercise the power of cross-examination, I have to go to the examiner and say, "I want to cross-examine such a witness." The examiner says, "I must look at my book and see which is the first open day," and having looked he says, "My first open day is two months hence." One of the examiners was asked by a member of the commission on the 28th of February, "Look at your book and tell us which is your first open day." The answer was, "The 6th of May." Another examiner said, "My first open day is earlier; it is the 3rd or 4th of May." In both cases more than two months afterwards. Perhaps the witness is not at home. Possibly he keeps out of the way, and cannot be subpœnaed to attend in time. The examiner has to appoint another day, and two months more elapse. At last the witness attends, and, when he attends, this further frequently happens:—the counsel are not ready; the opposite counsel is engaged in court in an important cause. The examination is again postponed for two months. "Does this happen frequently?" the commissioners asked an examiner. "Frequently," was the answer. "Does the delay sometimes extend over several months?" "Frequently," was the answer. Some noble lord—I do not know whom—moved for a return upon this subject. I looked over that return, and I found in one year 264 non-attendances. But, my Lords, suppose that at last the examination takes place. My noble and learned friend on the woolsack knows pretty well what the course of cross-examination is in a common law court, and how prone counsel are to be discursive, even under the superintending authority of the judge. What is the fact before an examiner? If the examiner says, "Do you think this question material?" counsel replies, "Material! you have no jurisdiction to decide whether it is material or not; the Act deprives you of any such jurisdiction."

Thus the cross-examination goes rambling on from one irrelevant point to another, and your Lordships may judge of the expense of the proceeding. Then as to the effect of the examination. It is taken down narratively by the examiner—not question and answer. The Court does not see whether the witness answers the question or omits to do so. But the main objection is that the Court has no means of judging of the demeanour of a witness; his hesitation, his flinching with the question, and the many other circumstances which tend to betray a witness who is not speaking the truth. Questions of the utmost interest are decided by the Court on interlocutory motions. How does the Court proceed? Entirely by affidavit. The party who makes the motion files an affidavit. The other party answers. Then there is an affidavit in reply. Then, perhaps, an affidavit in rejoinder, in rebutter, or sur-rebutter. There is no rule fixing the number of affidavits, and I am told that sometimes they are so numerous, counsel have not time to read them through, but have to guess at the facts. The parties may be examined and cross-examined before the Court, as in the courts of common law, if the Court thinks proper, but it is the exception. It is not liked in the Court of Chancery. The practice to which I have adverted arose out of the report of the commissioners of 1854; but the commissioners, in recommending the alteration, said, to use their language, "what we suggest is tentative, and we can come to no conclusion until the experiment has been tried." For four years the experiment has actually been made, and the result is utter failure. Now, my Lords, the motion which stands in the paper in my name is for a select committee to inquire into this subject, but whether the inquiry takes place through that medium or by means of a commission, it is not for me to determine. That is a question upon which it rests with my noble and learned friend on the woolsack to pronounce a decision. The effect of entrusting the investigation to a committee is likely to be that it will be impossible to legislate on the subject during the present session, and that their labours may not draw to a close until even late in the ensuing session; whereas, if a commission be granted, the inquiry may proceed without interruption, and a Bill introduced in the course of next session, providing a remedy for the evil to which I have drawn your Lordships' attention.

The Lord CHANCELLOR said that it could not be denied that, so far as the examination of witnesses was concerned, the pre-

sent system of the Court of Chancery was imperfect. He hoped his noble and learned friend would lend his invaluable assistance to remedy the evils to which he had adverted.

Lord CRANWORTH, while admitting that the present system of taking evidence in the Court of Chancery was in some respects open to objection, contended that it was infinitely improved as compared with that which it had been some years ago. He entirely approved of a motion for either a committee or a commission to inquire into the subject, in order that a remedy might, if possible, be applied to evils of which complaint was very justly made.

Lord CHELMSFORD also concurred in thinking that nothing could be more unsatisfactory for the purpose of ascertaining the truth in cases of disputed facts, than the mode in which witnesses were now examined in the Court of Chancery.

Thursday, July 14.

ATTORNEYS AND SOLICITORS BILL

This Bill was read a second time.

HOUSE OF COMMONS.

Friday, July 8.

REGISTRATION OF CROWN SECURITIES.

Mr. HODGKINSON called the attention of the House to the serious inconvenience caused by the indiscriminate registration of all obligations to the Crown. He explained to the House that all persons who were engaged in occupations that rendered them liable to pay customs or excise duties, were required to find two sureties for the due payment of such duties. Those securities were registered, and the effect of such registration was, that they affected not only the property which the surety had in possession at the time, but also all freehold property which he might subsequently acquire. The persons who became securities were unaware of the extent of the obligation they were incurring, for there was nothing in the document they signed to warn them; but if they wished to part with, or deal in any way with their freehold property during the continuance of their suretyship, they found they could not do so without obtaining a certificate from the Treasury. He could not see why registration should be enforced, nor, indeed, why the Crown should have priority of payment over other creditors. He wished to ask the Chancellor of the Exchequer whether the registration of obligations to the Crown might not, without injury to the public service, be dispensed with, except in cases of default on the part of the obligors.

Mr. HADFIELD suggested that these judgments should be unavailable as to real estate until they were put into execution.

Mr. MALINS said, a Bill of Lord St. Leonards came down from the other House during last session, and had been again introduced in the present, which went far to remedy the evil complained of, and which constituted a great inconvenience.

The CHANCELLOR of the EXCHEQUER said, the hon. member was not accurate in saying that obligations to the Crown were indiscriminately registered. In a Treasury letter, dated September, 1852, the Lords of the Treasury stated that they did not think it necessary to register any bonds in the office of the Common Pleas, except those of a permanent nature, where the responsibility amounted to £1,000 or more to each party in the bond; and they proceeded to say that, in special cases, the legal adviser of the department might, if he thought proper, require registration on his own responsibility where the bond was less in amount than £1,000, and for a temporary purpose. Such was the practice which prevailed at that time and ever since in the departments of the Customs of Excise, of Stamps and Taxes, of Woods and Works, of the Paymaster-General, of the National Debt, of War, and of the Ordnance. In fact, there had been a very great reduction in the extent of this practice of registration, which undoubtedly was accompanied with inconvenience. The total of the Crown bonds registered since 1856, on the part of the Custom-house officers, who used to register an enormous number, was only thirty. With respect to the question of the hon. gentleman as to whether the registration might not be dispensed with, except in cases of default or expectation of default, he was afraid, without giving an opinion on the subject of the policy of the law, that he must answer that in the negative. To register the bonds in case of actual default would obviously be quite out of place, and the only proceeding that could rationally be taken in case of actual default was, to put the bonds in suit at once, and then the lands and goods of the debtors might be made available. As to the registration in expectation of default, he was afraid that he could not recommend any change in principle on the present practice.

THE TRANSFER OF LAND (IRELAND) BILL.

CORPORATION OF LONDON BILL.

These Bills were read a first time.

Monday, July 11.

COURT OF PROBATE, &c. (ACQUISITION OF SITE), BILL.

CLERK OF THE COUNCIL BILL.

These Bills were read a third time and passed.

Tuesday, July 12.

COURTS OF CONCILIATION.

Mr. MACKINNON gave notice that this day fortnight he should move for leave to introduce a Bill for the establishment of Courts of Conciliation.

LAW OF DEBTOR AND CREDITOR.

Mr. MURRAY asked the Attorney-General whether it was his intention to proceed this session with a Bill brought from the Lords, intituled, "An Act to amend the Law of Debtor and Creditor, Bankruptcy, Insolvency, and Execution;" and what were his intentions in reference to the existing law of bankruptcy and its administration, and generally in reference to the law of debtor and creditor and its amendment?

The ATTORNEY-GENERAL said, it was not the intention of the Government to proceed with the Bill in question, but it was their intention, regarding, as they did, the whole subject of the law of debtor and creditor, and particularly the law of bankruptcy, as now being in a very unsatisfactory state, to give the entire question the most anxious consideration during the recess, with the view to the introduction of a comprehensive measure either in that or the other House of Parliament early in the ensuing session.

ADMIRALTY COURT BILL.

On clause 1, which provides for the opening of the Admiralty Court to barristers, serjeants, and attorneys-at-law,

Mr. MALINS objected that it was unjust to abolish the exclusive rights of proctors in this Court without compensating them upon a principle similar to that which was adopted in the cases of the Probate and Matrimonial Causes Courts, and he, therefore, moved, that the Chairman should report progress.

The ATTORNEY-GENERAL thought that the House and the country, which were paying £69,000 a-year to the proctors, had had enough of compensation. He also thought that the gentlemen who were receiving that sum had had enough of compensation. When the Divorce and Probate Bills were before the House, he yielded to the claims for compensation, but it was distinctly stated that the Admiralty Court should likewise be thrown open, and that there should be no further demands for compensation. The present Bill was only the compliment of the Divorce and Probate Acts; it dealt with an old and familiar subject, and he trusted, therefore, that the House would not allow it to be further delayed, especially for the purpose of affording the proctors an opportunity of getting up petitions for compensation.

The motion for reporting progress was negatived without a division, and the Bill passed through committee.

Wednesday, July 13.

SETTLED ESTATES ACT (1856) AMENDMENT.

Mr. WHITESIDE obtained leave to introduce this Bill to amend the law of the Settled Estates, which was afterwards brought in and read a first time.

Thursday, July 14.

CRIMINAL JUSTICE, MIDDLESEX (ASSISTANT-JUDGE), BILL.

Mr. CRAUFURD moved, as an instruction, that the committee should have power to extend the provisions of the said Bill to all persons holding judicial appointments in the United Kingdom.

Sir C. LEWIS said that no practical benefit would arise from this amendment. Under the late judge inconvenience sometimes arose from his being at liberty at the same time to practise at the bar. It was now proposed, that if the magistrates granted £300 additional to the salary of assistant-judge, he should be debarred from private practice. The hon. and learned gentleman sought to engraft upon the Bill a wholly new principle—that no person filling a judicial office should be allowed to retain his private practice at the bar. Under such a regulation recorders in England, assistant barristers in Ireland, and sheriffs in Scotland, would be prevented from practising as they at present could do. He hoped the House would not adopt the proposition of the hon gentleman.

The amendment was then negatived without a division.

The House having resolved itself into committee,

Mr. BYNG moved the omission of the first clause, and stated that he did so in accordance with the views of the magistrates of Middlesex, who had very great objection to the additional £300 proposed by the clause to be given to the assistant-judge coming out of the county-rates.

Sir G. LEWIS reminded the hon. gentleman that the clause was permissive, not compulsory. If the magistrates believed, as they had represented to the Government, that it was an injury to the public that the assistant-judge should be allowed to retain his private practice, they would pay him the £300; but if, on the other hand, they did not think so, then they would not pay it.

The committee divided, when there appeared—

For the clause	167
Against it	33
Majority	—134

The clause was accordingly adopted.

The remaining clauses were agreed to.

Mr. E. P. BOUVERIE proposed a clause to the effect that the salary of the assistant-judge should be paid out of the county rates.

Mr. HENLEY, approving the first portion of the right hon. gentleman's proposition, the object of which was to remove the charge of the salary from the Consolidated Fund, recommended him to confine his clause to that point.

Mr. BOUVERIE expressed his readiness to assent to the suggestion.

Mr. AYRTON said, as the question was one of great importance, and could not be satisfactorily settled at that hour, he would press the motion that the chairman leave the chair.

The committee then divided, when the numbers were—

For the motion	23
Against it	141
Majority	—118

The motion was therefore lost.

The clause as amended was agreed to, and the House resumed.

ADMIRALTY COURT BILL.

This Bill was read a third time and passed.

THE NEW CITY CORPORATION REFORM BILL.—The Bill of the Government for the "better regulation," or reform of the corporation of the City of London, was printed on Tuesday, prior to its second reading in the House of Commons, when the principle of the measure will, in all probability, be affirmed. The city is to be divided into 20 wards; nine of the old wards will remain unaltered; these are Aldgate, Aldersgate, Broad-street, Castle Baynard, Coleman-street, Cripplegate Without, Farringdon Within, Portsoken, and Tower. The other wards to be formed by union and divisions of existing wards will be named Billingsgate, Bishopsgate Without, Bishopsgate Within, Bread-street, Candlewick, Cheap, Cornhill, Cripplegate Within, North Farringdon Without, South Farringdon Without, and Queenhithe. The last ward (by way of example) will include the old wards of Queenhithe and Vintry. The right of voting for aldermen and common councilmen is conferred on males of full age, occupying, solely or jointly any house, shop, office, wharf, or other tenement, and rated in respect of such holding on a net annual value of £10. The list of electors will, of course, be revised and purified periodically. On St. Thomas's Day, the common councilmen will be elected by the twenty wards of the city, as now, for one year. On the 21st day of December next, each ward will also elect one alderman, who will hold his office during good behaviour, until he die or resign. The duties and powers of the new aldermen and common councilmen will commence on New Year's Day, 1860, on which day all the existing aldermen and common councilmen, unless previously re-elected on St. Thomas's Day next, will have to "clear out" of office. The Lord Mayor, however, as king of the city, will remain on his throne until the usual period (9th of November). Next year, 1860, his Lordship will be elected by the persons whose names appear in the ward lists in force pro tem. under the Act. Three auditors will be annually chosen on the 15th of March by the ward electors. The Lord Mayor and aldermen will be justices, as now. No clerk in holy orders or minister of a dissenting conventicle may be elected an alderman, common councilman, or auditor of the city. The qualification of a layman is the possession of an estate of £1,000, real or personal, or a rating on an annual value of £30. Insolvency will, pro facto, disqualify existing Lord Mayors, aldermen, and councilmen, and such must at once resign their gowns. The Common Hall elections are transferred to the Court of Common Council. The exclusive rights of trading in the city are summarily swept away, and street tolls are abolished. The office of High Bailiff of Southwark is also abolished. Salaried magistrates may be appointed by the Queen at the request of the Corporation. Freemen of the City may be elected for three, instead of seven years.

EXTENSION OF THE DIVORCE ACT.—With reference to this subject the *Times* has the following observations:—"The Government have determined to extend the benefits conferred on the community by the Divorce Act of 1857. The public will have observed in our law reports the facilities already afforded by the 'full' Court for the absolute dissolution of marriages no longer tolerable to the parties groaning under their yoke. These facilities are now to be extended. A Bill just presented by the new Lord Chancellor enacts that all the judges of the three superior courts of common law shall be judges of the Divorce Court, in addition to the judges already appointed by the Act 20 and 21 Victoria, cap. 85. The Judge-Ordinary (Cresswell) and eight of the other judges of the court are to appoint so many sittings of the full Court (for dissolving marriages) every year, and at such times as may appear to them necessary or convenient. The Court, when it shall so think fit, is authorized to sit with closed doors. The Court may make orders as to the custody of children after a final decree of separation, or divorce à vinculo. With a view to prevent fraud and collusion, every petition for dissolving a marriage will be referred to the Attorney-General."

WESTMINSTER BRIDGE.—A Bill of the Board of Works, promoted by Messrs. Laing and Fitzroy, provides for the acquisition of additional space for the western approach to the bridge of Westminster. The property to be dealt with includes houses and shops in Parliament-street, Bridge-street, and New Palace-yard. In Parliament-street, part of Fendall's hotel and a draper's shop, occupied by a Mr. Milns, will be taken for the purposes of the Act.

ELECTION PETITIONS.—The select committees to try the Maidstone, Norwich, Bury, and North Leicester election petitions will be chosen on the 26th instant; and those to try the Limerick (city), Sandwich, Cheltenham, and Kidderminster, on the 27th inst.

LEAVE OF ABSENCE.—A few days ago, Mr. Brady obtained leave of absence for a fortnight, on the ground of having urgent private business to attend to. The hon. gentleman's furlough was, however, brought to a sudden and unexpected termination, for the Speaker, having observed him in the House a few minutes after his leave of absence had been granted, revoked it. This proceeding is, it seems, prescribed by the practice of the House.—*Times*.

Communications, Correspondence, and Extracts.

JEWISH OATHS COMMISSIONERSHIPS.

To the Editor of THE SOLICITORS' JOURNAL & WEEKLY REPORTER.

SIR,—In reply to your correspondent's letter in last Saturday's journal, I beg to inform you that the announcements from time to time appearing in the *Gazette* of appointments of commissioners to administer oaths pursuant to the Act for the relief of her Majesty's subjects professing the Jewish religion, are altogether erroneous, the Act referred to authorising no such appointments, or, in fact, alluding to them in any way, and that the appointments in question are nothing more than the ordinary everyday commissionerships to administer oaths in Chancery in England (or London, as the case may be).

Some months ago I wrote to the Lord Chancellor (Chelmsford) on the subject, whose secretary very politely replied in course of post to me, thus:—"... I am to inform you that the Lord Chancellor has nothing to do with the insertion of these appointments in the *Gazette*, and is at a loss to understand why they should appear in the erroneous form you allude to. The appointments are not made under the Act of last session mentioned in your letter, but are the appointments of ordinary commissioners."—I am, Sir, your obedient servant,

Bristol, July 12. JOHN MILLER.

LAW RIFLE CORPS.

To the Editor of THE SOLICITORS' JOURNAL AND WEEKLY REPORTER.

SIR,—I see by your paper that it is proposed to raise a law rifle corps. Might I suggest the advisability of forming a *company*, not a separate corps, to be annexed to one of the existing regiments, thereby increasing the efficiency of that regiment, instead of forming a new and *comparatively* ineffective corps? The advantages of joining a regiment already in work, and with a good ground (no easy thing to obtain round London), are so obvious that they need not be mentioned.

I forbear entering into any details respecting existing regiments, as it would occupy too much of your space, and, hoping that the suggestion I have made may meet with the approval of the promoters of the law rifle corps, I am, Sir, your obedient servant,

A SOLICITOR.

REPORT OF THE CRIMINAL LAW COMMITTEE OF THE LAW AMENDMENT SOCIETY ON THE LAW RELATING TO FALSE PRETENCES ON THE SALE OF GOODS.

In November last a letter was addressed to the secretary of the society, by our president, on the law relating to fraudulent practices on the sale of goods, which was read at a general meeting, and referred to your committee, who have considered, and now report upon it as follows:—

The criminal law relating to fraud in the sale of goods consists partly of common law and partly of statute law, as explained and commented on in numerous judicial decisions. By the common law, a fraud on the part of the seller of goods, whether as to their quantity or their quality, seems to have been always regarded as the subject for civil remedy only, whenever the wrong was confined to the individual buyer; the offence becoming indictable only when it affected the public welfare. This was stated very clearly and decidedly by Lord Mansfield and the other judges in *Wheatley's Case*, 4 Bur. 1125, the fraud there consisting in the sale of a cask as containing a greater number of gallons than it actually held. *Caveat emptor* was laid down as the broad rule in this case; the judges saying that the purchaser should have measured the beer. But the decisions under 7 & 8 Geo. 4, c. 29, s. 53, and especially the recent judgment of the Court of Criminal Appeal in *Reg.* v. *Sherwood*, 1 D. & B. 251, have undoubtedly established that a false representation of the quantity of goods sold is, under certain circumstances, indictable. How far the judges would be inclined to carry the principle of this case may be a subject of considerable doubt. Chief Baron Pollock has, more than once, stated that, in his opinion, the statute was never meant to apply to any real buying and selling, but only to those transactions in which the buying and selling have been used as a cloak for fraud. The late Chief Justice Jervis, on the other hand, considered that the statute was passed for the purpose of checking fraudulent practices, whether in the sale of goods or otherwise; and it is evident from the language they have employed, especially in the late case of *Reg.* v. *Bryan*, 1 D. & B. 265, that Mr. Justice Willes and Mr. Baron Bramwell coincide in this opinion.

In respect to fraud as to the quality of the article sold, the present state of the law will be best understood by simply quoting two recent decisions of the Court of Criminal Appeal, in one of which the conviction was affirmed, and in the other quashed. In the *Queen* v. *Roebuck*, 1 D. & B. 24, the prisoner was convicted of having obtained money on a chain as silver, which proved, on examination, to be made entirely of a baser metal; and the species of the article being thus different from what it had been represented, the conviction was affirmed. In *Reg.* v. *Bryan*, some spoons had been pledged as containing as much silver as those known in the trade as Elkington's A, whereas they were of an extremely inferior quality, and were only slightly washed with silver. In this instance the conviction was quashed, on the ground that the whole article was not shown to be different from that represented. In this case the judgment of Mr. Justice Willes, dissenting from the other judges, appears to the committee so forcible, and to express so accurately what, in the opinion of some, the law ought to be, that they here insert the greater part of it.

"My opinion is of little value after those which have been expressed; but such as my opinion is, I am bound to pronounce it, and I do so with the less diffidence, because it was the considered opinion of the late Chief Justice Jervis, than whom no man who ever lived was more competent to form an opinion upon the subject. I am of opinion that the conviction was right, and that it ought to be affirmed. It appears to me that a great number of observations have been brought to bear upon the construction of the statute, which would not have been attended to if the words of the statute had been looked at; and I cannot help thinking that in many cases to which reference might be made—and they are very numerous, upon this subject—the judgments would have commanded more attention in after times if the words of the statute had been attended to, and those who delivered those judgments had not permitted themselves to consider, instead, whether a particular view would or would not be convenient to trade, either in its present state, or in the state to which it might be reduced by a proper administration of the law. I think the words of the statute should be implicitly followed, and the Legislature obeyed, according to the terms in which it has expressed its will in the 53rd section of the 7 & 8 Geo. 4, c. 29. I am looking to the words of that section, and I am unable to bring myself to think that the Legislature was at all dealing with anything in the nature of a distinction between the case of property fraudulently obtained by a fraudulently obtained contract, and goods obtained without any contract, but fraudulently obtained. I cannot help thinking that if the attention of the framers of the statute had been directed to any such possible operation of it, they would, in the spirit in which the section is framed, have enacted, in terms even more clear than those of the 53rd section, that that which is obtained by fraud shall not benefit the fraudulent person, and that the interposition of a contract also obtained by fraud, ought not to make any difference in favour of the cheat. The section commences with the recital that 'a failure of justice frequently arises from the subtle distinction between larceny and fraud.' That is the recital, and I had on my mind an impression that the recital of the statute may have the effect of enlarging, but not of restraining, the operation of the subsequent enactment. The enacting part of the section is, 'If any person shall, by any false pretence, obtain from any other person any chattel, money, or valuable security, with intent to cheat or defraud any person of the same, every such offender shall be guilty of a misdemeanour.' And it appears to me that the only test to apply to any case is, whether it was a false pretence by which the property was obtained, and whether it was obtained with the intention to cheat and defraud the person from whom it was obtained.

"Now, in this case, it should seem that there was a false pretence; there was a pretence that the goods had as much silver upon them as Elkington's A, and there was also the pretence that the foundations were of the best material. Well then, the statute says, 'obtain from any other person, any chattel, money, or valuable security.' It is found in this case that the money was obtained. If the matter was a simple commendation of the goods, without any specific falsehood as to what they were; if it was entirely a case of one person dealing with another in the way of business, who might expect to pay the price of the articles which were offered for the purpose of pledge or sale, and knew what they were, I apprehend it would have been easily disposed of by the jury, who were to pass an opinion upon the subject, acting as persons of common sense and knowledge of the world, and abstaining from coming to any such conclusion, as that praise of that kind should have the effect of making the party resorting to it guilty of obtaining money on a false pretence. I say nothing on the effect of a simple exaggeration, except that it appears to me it would be a question for the jury in each case, whether the matter was such ordinary praise of the goods (*dolus bonus*) as that a person ought not to be taken in by it, or whether it was a misrepresentation of a specific fact material to the contract and intended to defraud, and did defraud, and by which the money in question was obtained.

"Well, then, there is the latter part of the section, 'with intention to cheat and defraud any person of the same.' It must be with the intent to cheat and defraud the person of the same. I am unable to bring my mind to any anxiety to protect persons who make false pretences 'with intent to cheat and defraud.' It was stated in the evidence by the prosecutor, 'I would have advanced nothing but for the misrepresentation,' and it was found by the jury that the money was obtained by the misrepresentation. But it is said that the effect of establishing such a rule as that for which I contend would be to interfere with trade; no doubt it would, and I think ought, to prevent trade being carried on in the way in which it is said to be carried on. I cannot help expressing my regret if trade is carried on, and I do not believe it in generally carried on, by persons making false pretences with the intention to cheat or defraud persons of their money. I am far from wishing to interfere with the rule as to simple commendation or praise of the articles which are sold, on the one hand, or to fair cheapening on the other,

those are things persons may expect to meet with in the ordinary and usual course of trade; but I cannot help thinking that people ought to be protected from any such acts as those I have referred to, being resorted to for the purpose and with the intent to cheat or defraud purchasers of their money, or tradesmen of their goods. If the result of it would be to multiply prosecutions, that must be because we live in an age in which fraud is multiplied to a great extent, and amongst others, in this form. I agree in what the late Chief Justice Jervis said, as peculiarly applicable to such a supposed state, though I hope not to ordinary trade, that if there be such a commerce as requires to be protected by the statute being limited in the mode suggested, it ought to be made honest and conform to the law, and not the law bent for the purpose of allowing fraudulent commerce to go on."

Mr. Baron Bramwell observed in this case that there were two views which might be taken of the statute; the one, that adopted by Mr. Justice Willes in the judgment above quoted; the other, that thrown out by Chief Baron Pollock, that the act did not apply to any bonâ fide buying and selling transaction. As the law now appears to stand, neither of these opposing views have been complied with. Some frauds are held indictable, while others, which it seems rather difficult to distinguish from the first, are beyond the reach of the criminal law. The committee are of opinion that such a state of things is not satisfactory, and that it would be advisable to place the law clearly before the public in a precise and substantive shape; and they advance it as a subject well deserving the consideration of the society, whether any fraudulent misrepresentation on the sale of goods, either as to their quantity or quality, should not be made a criminal offence.

INSURANCE FRAUDS.—A trial of some importance to English insurance companies has just taken place before the Court of Police Correctionnel of Limoges, in the department of the Haute-Vienne. M. Brunet, Vice-President of the Cour Imperiale of Limoges, presided. The trial began on the 23rd, and lasted five days. The accused were seven in number, some of them belonging to the first families in the country. It appeared in evidence that these persons had, for twoyears past, with the connivance of a medical practitioner, effecte insurances on the lives of consumptive persons, some of whom were actually dying in the hospital at the time. They succeeded in one or more instances in their fraudulent schemes. The late prosecution referred to insurances effected to the amount of 400,000 francs (£16,000) with five different English companies. Some of the parties whose lives were thus insured have since died, and others are said to be beyond all hope of recovery. The discovery of the fraud is due to the exertions of Mr. Alfred Walden, already well known to London insurance companies by his great success in detecting and defeating similar schemes, as well in various parts of England as on the Continent. A sum of 215,000 francs, insured with four London companies on the life of a young peasant living some ten miles from Limoges, having been claimed, Mr. Walden left London and proceeded to the spot, where he instituted an inquiry, which led to the discovery that the life insured had died of consumption, and had been in an advanced stage of that disease when the several insurances on his life were proposed. Mr. Walden made further discoveries, and next placed himself in communication with the Procureur Imperial of Limoges. A prosecution was commenced in February last, but the proceedings were not completed until a month ago. The result has been that the various members of this powerful and extensive association of swindlers have been brought to justice, with the exception of the medical man, who escaped by committing suicide. The greatest credit is due to the Procureur Imperial, the magistrate who collected the evidence, and the Vice-President, for the manner in which they conducted the judicial proceedings. The accused were found guilty, and sentenced to various terms of imprisonment. The policies of insurance, moreover, were declared void, and were cancelled by the Court.

The Provinces.

BIRMINGHAM.—*The Mayor and the Magistrates.*—At a meeting of the Town Council, held on Tuesday week, Mr. Alderman Cutler, with reference to the appointment of a chairman, at a meeting of magistrates, held on the the 20th ult., in the presence and in defiance of the mayor, moved the following resolution:—"That in the opinion of this Council the Borough Justices present at their session of the 20th June, in permitting Mr. Buckley to take the chair while the mayor was present acted in contravention of the Municipal Corporations Act, uncourteously to the mayor, and at the same time insulted the corporate body whose representative he is; and this Council therefore feel it their imperative duty to express their censure of such illegal and improper proceedings." Mr. Wright moved as an amendment, that the following words be added:—"And that the mayor be respectfully requested, whenever he attends the meetings of magistrates (while he holds such office) to assert his legal right to preside over such meeting, which, with the original motion, was carried unanimously." The *Birmingham Journal* makes the following observations upon the subject:—"The merits or demerits of the individual who fills the office of mayor had nothing to do with the question, and the resolution was wisely confined to a defence of the mayor in his official capacity. We believe that the town will very generally concur with the resolution, for however the gentleman who now wears the civic honours may have exposed himself to criticism and censure, so long as he holds office there are certain privileges and precedences to which he is entitled, and which cannot be foregone without a compromise of his position. There is a respect due to the mayor, which, if not paid, degrades not only him who fills the chair, but the town which he represents; and as believers in the soundness of the theory of representation, we think it to be a duty, no matter what our predilections may be, to contend that at least the constituted authorities should treat the elect of the town with the respect due to his office and those whom he represents."

NEWCASTLE-ON-TYNE—THE ALLEGED ATROCITIES IN CHINA.—A meeting was lately held in this town, at which Mr. Chisholm Anstey attended, for the purpose of laying before the public in detail certain disgraceful practices, alleged to have been committed by Mr. D. R. Caldwell, and other officials under Government, in the colony of Hong Kong. On the strength of these allegations, a petition was presented to the Queen, praying for an inquiry. The *Newcastle Chronicle*, in commenting upon the subject, states—"In all our experience of petitions to the Throne, we have never met with an instance in which the reply extended beyond the formal acknowledgment of the receipt of the document. But in this case the prayer of the petition is repeated, and the fact communicated that her Majesty has been graciously pleased to command that the document shall be referred to the Secretary of State for the Colonies for consideration. The appeal to the great Fountain of Justice has not been in vain. Her Majesty, in common with those of her subjects who are acquainted with the details of this disgraceful case, has been roused to indignation on learning that the scoundrel Caldwell perpetrates his atrocities in her name and under the shadow of her authority, and she has most promptly and wisely commanded that an investigation shall be made into the whole circumstances. What may be the result of the inquiry we of course cannot predict, but that it will corroborate Mr. Anstey's statements we sincerely believe, and that it may lead to the punishment of Daniel Richard Caldwell we earnestly desire." The following is the reply to the petition:—"Whitehall, 2nd July, 1859. Sir,—I am directed by Secretary Sir George Lewis to inform you that he has had the honour to lay before the Queen the petition adopted at a meeting of the inhabitants of Newcastle-upon-Tyne, which accompanied your letter of the 27th ult., praying that Daniel Richard Caldwell may be immediately suspended from exercising his offices of Registrar-General and Protector of the Chinese and Justice of Peace in the colony of Hong Kong; and that the said petition is now referred by her Majesty's command to the consideration of the Secretary of State for the Colonies.—I am, sir, your obedient servant, H. WADDINGTON. The Mayor of Newcastle-upon-Tyne."

Ireland.

THE NEW LAW APPOINTMENTS.

Mr. Fitzgibbon is to be Serjeant in the room of Mr. Berwick, whose place as Chairman of Cork is to be filled by Mr. Robert Andrews. Mr. R. N. Barron is to succeed Mr. Andrews in the Chairmanship of Wexford, and Mr. P. J. Blake is the new Chairman of the King's County, in the room of Mr. Barron. The *Evening Mail* thus speaks of the foregoing appointments:—"Most of these appointments are judicious, and will be popular with the legal profession and the public. Mr. Fitzgibbon has won a high place for himself by his ability, assiduity, and integrity. No one can deny that he is an honest and worthy man as well as an able lawyer.

"Mr. P. Blake is a Roman Catholic gentleman, who has distinguished himself by moderation in his party views, and who has attained to a professional position which would entitle him to a higher preferment than that which has tardily been conferred upon him.

"Mr. Blake never mixed in repeal, or any of those mischievous agitations which have unfortunately been so frequently made the stepping-stones to promotion, and it is well Lord Carlisle is about to commence a new line by selecting men for their abilities and professional position."

Baron Hughes will go with Judge Perrin on the north-west circuit. As his patent as baron has not been completed, he has been added to the Circuit Commission by a commission of association. Serjeant O'Hagan succeeds to the Second Serjeantcy, on the promotion of Judge Berwick. His call in court has subsequently been delayed until the new patents have been received.

On the 4th inst., the Dublin Corporation nominated Redmond Carroll, Esq., solicitor, to the office of Lord Mayor for the ensuing year. The election must be confirmed in November.

Complimentary Dinner to Mr. Bennett, Solicitor, Cork.—A large party of his professional brethren, on Wednesday evening, the 22nd ult., testified their esteem for Mr. Bennett, to whom we had recently the pleasure of recording a complimentary testimonial from the mercantile body, by entertaining him at dinner at the Queen's Hotel, Queenstown.

Ireland as it is.—The *Northern Whig* gives a glowing account of the social condition of Ireland in 1859. "Never (it is said) at any period of its history was this island of saints and sinners so slightly inoculated with the evils of public crime as it is at present. The coming assizes will show calendars of remarkable lightness. Judges will really have almost a sinecure of it in their provincial tours: and, except in record cases, the learned gentlemen who go circuit are not likely to be distressed by the carriage of their briefs. A correspondent of one of our local papers, in speaking of the state of the county of Monaghan (not long since the Tipperary of the north), says:—'Singular to state, there is not in custody at present a single prisoner for trial at the next assizes, nor are there any on bail to appear when the commission opens.' In the jails of Armagh, Tyrone, Derry, and Down, there are very few prisoners for trial; and we believe the record of crime to be adjudicated on at the Antrim Court is numerically small, and the class of offences chiefly confined to cases of trivial moment. The plunder of fire-arms is now a species of crime all but unknown in the records of Ireland; the war about tithes no longer inflames the wildest passions of the peasantry; and the emancipation of the land through the extensive sales of estates, previously fettered by family encumbrances, has in its turn put down the struggle for farms, and driven out of existence that fruitful source of agrarian outrage. Much has been said, and more has been written, of the remarkable progress of certain colonies connected with the British Crown; but, all things taken into account, the great social revolution witnessed in any of these distant countries falls short of that which has taken place in Ireland during the past thirty years. 'Lodgings to be let' might be written on the walls of most of the union workhouses; three-fourths of all the cells in most of the country jails are tenantless; and if the business in the department of Jack Ketch continues dull, as it appears to be, that once industrious official must be placed on the pension list and take his rank with other sinecurists."

Review.

A Treatise on the West Indian Incumbered Estates Act. By Reginald John Cust, Esq., Lincoln's-inn, Barrister-at-Law.

This able and well-digested little work, by the Secretary to the West Indian Incumbered Estates Commission, will be exceedingly valuable to all who are in any way concerned with the working of the Act for regulating the sale of West Indian incumbered estates. In 1854 an Act was passed for the purpose of applying the principle of the Irish Incumbered Estates Court to the West Indian colonies. Great obstacles arose through the defective framing of this Act, and in 1858 an Act of Amendment was passed, the application and working of which, for the short time in which it has been in operation, it is the object of Mr. Cust to explain. He gives an account of the decisions of H. J. Stonor, Chief Commissioner of the Court, which have given great satisfaction, having in no instance been appealed against. As showing the result of the latest experiment in simplifying the system of Land Transfer, it will also prove interesting to all who devote themselves to this important branch of Law Reform.

Societies and Institutions.

LIVERPOOL LAW SOCIETY.

Report of the Committee appointed to consider the Question of Chancery Reform, adopted at a special General Meeting of the Society, held on the 6th day of July, 1859.

The Committee beg to report to the society that they have carefully considered the subject referred to them, and have come to the following conclusions:—

As to the Judges working out their own Decrees, and an Increase in the Number of Judges.

By the Acts of 15 & 16 Vict. cc. 80 & 86, important and sweeping changes were introduced into the Court of Chancery.

By the first-mentioned Act the office of Master in Chancery was abolished, it being recited that it was expedient that the business then disposed of in the office of such masters should be transacted by and under the more immediate direction and control of the judges of the court; and the Master of the Rolls and Vice-Chancellors for the time being were, by sec. 11, required to sit at chambers for the despatch of such part of the business of the Court as could, without detriment to the public advantage arising from the discussion of questions in open court, be heard in chambers. And by sec. 16 the Master of the Rolls and every of the Vice-Chancellors for the time being, were authorised to appoint two chief clerks each for the purpose of assisting in the general business of each court, and the causes and matters belonging thereto. And it was also enacted by sec. 29 that the Master of the Rolls and the Vice-Chancellors respectively should have the sole power (subject to any rules which might be made by the Lord Chancellor, with the advice and assistance of them, or any two of them) to order what matters and things should be investigated by and before their respective chief clerks, either with or without their direction during their progress, and what matters and things should be heard and investigated by themselves; and particularly, if the judge should so direct, his chief clerks respectively should take accounts, and make such inquiries as had usually been prosecuted before the chief clerks of the masters; and the judge should give such aid and directions in every or any such account or inquiry as he might think proper, but subject to the right there provided for the suitor to bring any particular point before the judge himself. And by sec. 36 all the powers of the masters were given to the Master of the Rolls and Vice-Chancellors.

It appears to the Committee that the intention of this Act was to substitute the judge in the cause, and not his chief clerk, for the former Master in Chancery—and that the chief clerk should assist the judge in the same way as the master's chief clerk assisted the master. A decree therefore was intended, except in the minor details, to have been worked out by the judge who made it, sitting in chambers.

In order to enable this intention to be carried out, it is clearly necessary that each judge so assuming the duties of a Master in Chancery, should sit in chambers for a considerable portion of his time, at least as long, if not longer, than the time for which he is engaged in court. In its actual working, however, the Act has not fulfilled this design. From the great increase of business in the court since the improvements in its procedure, nearly the whole time of the judge is occupied in hearing matters in open court, and only a very small portion of each day is devoted to sitting in chambers, the result of which is, that the task of working out the decrees, formerly devolving on the old Masters in Chancery, is substantially thrown upon the chief clerks; and that instead of obtaining the decision of the judge in chambers in the first instance, as was intended, the suitor has first to go before the chief clerk, and when he desires the opinion of the judge, or the assistance of counsel, has to incur the expense and delay of briefing both the counsel who have been engaged in the cause to argue the matter in open court. This course of things also tends to augment the amount of business transacted in open court, whereby the evil increases itself.

In working out a decree before a chief clerk, moreover, more time has necessarily to be consumed than would be required by the judge who has heard the cause in court, for he has to be made aquainted with the nature and details of the suit, with which the judge is already familiar. It was, indeed, to remedy this precise evil, of a suit being heard before one judicial officer and worked out by another, that the Act of 1852 was passed.

From the above causes, and the undue amount of business thus thrown upon the chief clerks, they have become so much overburdened with work, that great delays arise in chambers

from their sheer inability to dispose of the mass of matters before them. This has led to a return to the old practice of the masters' chambers, of allotting to each business an interval much too short to dispose of it satisfactorily, thus leading to frequent adjournments, great loss of time, and increased expense to the parties.

It appears to the Committee that the remedy for these evils is to be sought, by carrying out more effectually the obvious intentions of the framers of the Act of 1852, and adopting such increase in the strength of the courts, as shall enable the judges bonâ fide to discharge the duties intended to be thrown upon them by that Act.

The Committee have given much consideration to the increase in the number of judges requisite to effect this purpose, and looking at the difficulties in the way either of lessening the number of the present courts, or of leaving any court partially unemployed, are inclined to the opinion that the present number of the judges should be doubled. By this means two judges could be assigned to each of the present courts of the Master of the Rolls and Vice-Chancellors; and half the time of each Judge would thus be set free for attendance in chambers. This change would not disturb the arrangements of the bar, but the two judges of each court might sit in alternate weeks, or in such other way as might be most convenient, each attending to his own causes; the judge not in court being engaged in chambers. It might be supposed that a smaller increase in the number of the judges would answer the purpose, but it will be seen that other changes in the practice are proposed in this Report, which would have the tendency of increasing the court work of the judges. It is also obvious that the desired end of obtaining a judge to sit half his time in chambers, cannot be satisfactorily attained by any other contrivance than that of two judges sitting alternately in the same court, as otherwise the leading members of the bar practising in such court would be reduced to idleness for half their time. It is probable that this change might be effected without any necessity for increasing the number of the present chief clerks.

As to the Registrars.

The Committee also consider that the delays so frequently experienced in the drawing up of Decrees and Orders show the necessity of increasing the staff of registrars and their hours of attendance in the office; the personal attendance of the Registrars in court by rotation, having the effect of diminishing their efficiency in the office. Minutes might also be much more advantageously settled, in case of dispute, in chambers, before the judge who made the order, instead of in court.

As to the Mode of taking Evidence.

The next point to which the Committee have directed their attention, is the present mode of taking evidence in the Court of Chancery. By one of the Acts before referred to, great changes were made in the old practice of taking evidence, by abolishing the system of examining witnesses upon written interrogatories, and substituting affidavits or oral examinations before an examiner, it being provided that witnesses making affidavits should be subject to oral cross-examination, which, in like manner, was directed to be held before the examiner.

These provisions have no doubt very much improved the mode of taking evidence in Chancery, but they appear to the Committee to be all affected by the capital error, that the evidence is to be taken before *one man*, and the effect of it to be judged of by *another*. By the present arrangements, the demeanour of the witness in the box, and the mode in which he answers the questions put to him, upon which so much weight is placed in courts of common law, is wholly lost to the judge. The time of the suitors, and of their counsel and solicitors, is first consumed in taking a lengthy examination before an examiner, who, not being the judge in the cause, is unable to determine how far facts put in evidence are material to the question, and cannot therefore shorten the proceedings by checking irrelevant questions. The evidence so taken, instead of being at once brought under the ear of the Court, has first to be committed to writing, and of such depositions, copies have to be multiplied at great expense, for solicitors, counsel, and judge; and, finally, the time of the Court and counsel has again to be consumed on the hearing by reading through the written testimony, which had much better have been taken before them in the first instance.

Your Committee consider that, in order to remedy these evils, no greater change is necessary than to provide that, in all cases where evidence may be taken orally, or an oral cross-examination is allowed, such examination or cross-examination should be taken at the hearing before the judge, instead of before an examiner.

It is quite true that, by the Act (15 & 16 Vict. c. 86, s. 30) the Court has power to require witnesses to be orally examined before itself, but such power is, in point of fact, rarely exercised in practice; and in justice to the suitor, in place of merely giving the judge the *power* to hear the evidence on which he has to decide the cause, it ought not to be left open to him to *decline* to hear it, more particularly since the large power of equity judges over the costs of a suit would enable them to throw the costs of any needless or improper examination of witnesses upon the party wrongfully occasioning such expense.

This alteration would render the office of the present Examiners in Chancery unnecessary, and the Committee would recommend their abolition, but that the power of a judge to appoint a special examiner should be retained, to be used only in cases when the witness is going abroad, or through ill-health or infirmity is incapable of attending before the judge in court.

As to Trial of Questions of Fact or Damages before a Jury.

As a branch of the foregoing subject, it appears to the Committee that, in cases where the amount of damages, or questions of fact, are, by the 21 & 22 Vict. c. 27, commonly called Sir Hugh Cairns' Act, permitted, in the discretion of the Court, to be determined by a jury, the discretion of adopting such course should be reposed in the party, in place of the judge. At present the provision is practically a dead letter, owing to the discouragement given by the judges to the introduction of the practice. No practical evil could result from allowing the suitor, the party most interested, and, through his counsel and solicitor, best acquainted with the most eligible mode of trying his cause, to adopt such mode as he should be advised to be best suited to the necessities of the case. The control of the Court as to costs will here, as in the case of oral examination of witnesses above referred to, be a sufficient check upon any abuse of the practice.

As to Appeals.

The next point to which the Committee have directed their attention is the present practice on appeals.

At present an appeal may be entered at any time within five years from the date of the decree. The Committee are of opinion that all appeals should (except in special cases by leave of the Court) be made within three months from the date of the decree or decision appealed from.

As to Printing Answers and Affidavits.

The Committee have also considered whether the present practice of printing, which, when applied to bills of complaint, has worked so satisfactorily, and has effected so large a saving of money to the suitor, and of time to the Court, might not beneficially be extended. There appears to them no reason why the same practice should not at once be applied to answers, which should be furnished to the other side on the same terms as bills. The defendant might be at liberty to file a written answer, or to make alterations and interlineations in the printed answer before filing, being required to reprint it in all cases where the plaintiff would be required to reprint a bill. When filed in writing, the answer should be printed, and the copies delivered in a week.

When the evidence in the suit has been taken by affidavits, copies of such affidavits should also be printed by the parties filing them, as soon as the evidence is closed, and copies supplied by each party to the other, on the same terms as bills and answers.

As to reviewing Taxation of Costs.

Great expense is now incurred in reviewing taxations of costs, which at present can only be done in court by motion or petition. There seems no reason why such review of taxation should not be conducted in chambers, upon summons issued by the party dissatisfied, as is the case in the common law courts.

As to the Vacation Judge.

Finally, it appears to the committee, that one of the greatest inconveniences occasioned alike to suitors, counsel, and solicitors, is the present practice of the vacation judge sitting during the long vacation at places often very far distant from London, where he can only be attended at very great expense. They recommend that, during the vacations, one of the judges should sit in London, as often as occasion shall require. With the additional force of judges now proposed, this duty could not press heavily upon them, if the various holidays and vacations throughout the year were fairly divided among them. Public notice should be given of the name of the judge who will attend, and of the hours of his attendance.

In presenting this report to the society, the Committee desire to add that they feel there are many other points in which alterations may be desirable, but having regard to the motion of which notice has been given by Lord Lyndhurst, for the appointment of a special committee to inquire into one branch of chancery practice, they have thought it expedient at once to report on the matters which they have already considered.

LAW AMENDMENT SOCIETY.

A meeting of this society was held on Monday last. Lord BROUGHAM took the chair at eight o'clock.

Mr. HASTINGS read the report of the Criminal Law Committee on the Law of False Pretences on the Sale of Goods. He moved that the report be received and printed. [See p. 701.]

Mr. VAUGHAN seconded the motion. If the statute had received a liberal interpretation from the judges, no amendment would be necessary; but that not being so, he thought some measure should be adopted to put an end to the growing immoralities of trade. The remedy of a civil action was, in many cases, no remedy at all, for it might so happen that the party defrauded had not the means of taking proceedings to obtain compensation. As it was at present a criminal offence for a man to obtain money by making a false representation of himself, his position, or employment, so it should be a criminal offence to obtain money by making a false representation on the sale of goods, with regard to the quantity or quality of such goods. The party cheated has a power of inquiry in the former case as well as in the latter. He thought a fresh enactment was necessary, and that the honest part of the community would hail it with satisfaction.

Mr. HAWES was of opinion that it was better to allow things to remain as they are, than to interfere at the risk of doing more harm than good. There would be a constant race between the law and the manufacturers, and the latter would win the day. It was only the other day that he had seen some bales of Manchester goods, which were never out of England, bearing a French trade mark. The buyer was not imposed on by the device; nor, probably, would be the man to whom, in his turn, he might sell them. The false representation was intended for the colonial, not the home market. He disclaimed any idea of justifying such frauds; but he feared that if the law were altered, as suggested in the report, it would be impossible to prove what was necessary to constitute a criminal offence.

Mr. C. ANSTEY stated that the report did not propose to add any new principle to the law, but to extend the law as it already existed. The Court of Criminal Appeal had given contradictory decisions in *Reg.* v. *Roebuck* and *Reg.* v. *Bryan*, but the former case involved the principle which was proposed by the committee. If there were a difficulty in proving an offence under certain circumstances, that ought not to be a reason for rendering the law less perfect than it might be made.

Mr. CLARK referred to the distinction between common acts of trade and those frauds which were now held to be indictable, as forming the great difficulty in the way of adopting the suggestions of the committee There might be no distinction in the real criminality in both cases, but juries, unless differently constituted from what they now are, would be very slow in convicting in the former.

Mr. HASTINGS said, that there was, no doubt, great difficulty in dealing with the matter, but the nice distinctions brought out by recent decisions could not be regarded as satisfactory.

Mr. EDGAR thought that, independently of the anomalous state of the law as it now stood, the question might be considered with reference to what the present condition of society required. The extent to which frauds, of the nature adverted to, prevailed, was unquestionable. The *Lancet* had called public attention to the adulteration of food, and the committee of the House of Commons had revealed other abominations of the same sort. A recent article in the *Westminster Review*, on the morality of trade, had shown a regular series of frauds perpetrated by manufacturers on wholesale dealers, by wholesale dealers on retail dealers, and by retail dealers on their customers. He thought the subject well deserving the attention of the society.

The motion was then put and carried.

Mr. HARRIS said, that in the absence of several gentlemen, whose opinion on the subject of his paper on the present position of executors and trustees would be highly valuable, he would move that the consideration of it be adjourned to a future meeting.

Mr. JACKSON seconded the motion, which was agreed to.

The society then adjourned to Monday, the 14th November.

Law Students' Journal.

LAW STUDENTS' DEBATING SOCIETY.—The annual report of this society has been handed to us, showing it to be in a prosperous condition. It numbers 107 members, an increase of 15 over last year. The average attendance has been 37, and they have held 32 meetings, at which have been discussed 18 legal and jurisprudential questions. At each of the examinations, members have obtained prizes or certificates of merit; and in all 9 members have been thus distinguished. The society meets in the Arbitration Room, No. 4, of the Law Institution, Chancery-lane, for the discussion of legal and jurisprudential questions, every Thursday evening, at seven o'clock, except between the 8th of July and 24th of October. Subscribers to the library or lectures of the Incorporated Law Society, articled to members of that society, or articled clerks in their service, are eligible for election as members.

Court Papers.

Vacation Business at Judges' Chambers.

EXCHEQUER BARONS' CHAMBERS.—July, 1859.

The following regulations for transacting the business at these Chambers will be strictly observed till further notice:—

Original summonses only to be placed on the file.

Summonses adjourned by the judge will be heard at eleven o'clock.

Summonses of the day will be called and numbered at ten minutes past eleven o'clock.

The parties on two summonses only will be allowed in the judge's room at the same time.

Counsel will be heard at one o'clock. The name of the cause in which counsel are engaged to be put on the counsel file.

All affidavits produced before the judge must be properly endorsed and filed.

All long orders to be left, that they may be ready on being applied for the following day.

Affidavits in support of ex parte applications for judge's orders (except those for orders to hold to bail), to be left the day before the orders are to be applied for, except under special circumstances; such affidavits to be properly endorsed with the names of the parties, the nature of the application, and the names of the attorneys.

Parties making reference to a statute, or case, must be prepared to produce the same.

Acknowledgments of deeds will be taken at three o'clock.

Mr. Baron Martin will remain in town as the Vacation Judge; and Mr. Justice Blackburn will go the Home Circuit in the place of Mr. Baron Martin.

Births, Marriages, and Deaths.

BIRTHS.

BELLHOUSE—On July 8, the wife of T. T. Bellhouse, Esq., of Manchester, of a daughter, stillborn.

BRUCE—On July 10, at Duffryn, Aberdare, the wife of H. A. Bruce, Esq., M.P., of a daughter.

CAMPBELL—On July 3, at 10 Cleveland-terrace, Hyde-park, the wife of J. T. Campbell, Esq., of a daughter.

FRANCIS—On July 11, at 46 Torrington-square, the wife of Philip Francis Esq., barrister-at-law, of a daughter.

JESSEL—On July 13, at 8 Upper Bedford-place, Russell-square, Mrs. Edward Jessel, of a daughter.

KENT—On July 9, at 67, Newington-causeway, Southwark, the wife of Frederick Kent, Esq., Solicitor, of 18 Queen-street, Cannon-street, City, of a son.

TYERMAN—On July 7, at 9 Stanley-terrace, Kensington-park, the wife of Charles Rich Tyerman Esq., of a son.

WILLIAMS—On July 2, at Islington, the wife of Robert Griffith Williams, Esq., Middle Temple, of a daughter.

MARRIAGES.

ATKINSON—DONNER—On July 12, at the parish church, Scarborough by the Rev. F. Atkinson, M.A., the Rev. Arthur Atkinson, M.A., fourth son of the late John Atkinson, Esq., of Little Woodhouse, Leeds, to Sarah Harriet, eldest daughter of Edward S. Donner, Esq., of Scarborough.

BARTLETT—HEWITT—On July 14, at Christ Church, Ealing, by the Rev. G. B. F. Potticary, rector of Girton, Cambridge, assisted by the Rev. J. S. Hilliard, William Robert Bartlett, Esq., of Reading, to Ellen Eliza, eldest daughter of the late William Hewitt, Esq., of Castle-hill, Reading.

CLARKSON—WALKER—On July 5, at the parish church of St. Mary, Old Malton, by the Rev. J. Walker, incumbent, cousin of the bride, assisted by the Rev. J. Winter, incumbent of St. John's, Wednesbury, brother-in-law of the bridegroom, the Rev. J. C. A. Clarkson, M.A., curate of St. Leonard's, New Malton, only son of the Rev. J. Clarkson, vicar of Sandal Magna, to Margaret, youngest daughter of Thos. Walker, Esq., Solicitor, Eden House, Old Malton.

GOODWYN—BEETHAM—On July 7, at St. Mary, Stoke Newington, by the Rev. Thomas Jackson, M.A., rector, Edmund Goodwyn, Esq., eldest

son of Edmund Goodwyn Goodwyn, Esq., of Fairfield House, Framlingham, Suffolk, to Rose Jane, only daughter of Albert William Beetham, Esq., Barrister, J.P., F.R.S., of Stoke Newington, Middlesex.

HOWE—HERRICK—On June 30, at Taney Church, by the Rev. George H. Reade, rural dean and rector of Enniskean, Clogher, assisted by the Rev. Edward Moeran, D.D., vicar of the parish, the Rev. Thomas Howe, chaplain of H.M.S. Ajax, to Catherine, only daughter of the late Thomas Herrick, of Coolkerky, Esq., J.P., county of Cork.

KING—FIRMSTONE—On June 30, at Belbroughton, Worcestershire, by the Rev. Henry Arthur Woodgate, the rector, assisted by the Rev. E. Anderson, curate of Frankley, William Henry King, Esq., Solicitor, Stourbridge, to Jane, daughter of the late Thomas Firmstone, Esq., of the Yew Tree House, Belbroughton.

ROBERTON—CRAIG—On July 7, at Park Chapel, Regent's-park, by the Rev. Thomas Archer, D.D., of Oxendon Chapel, James Roberton, Esq., Solicitor, Glasgow, to Jeanie Anne, only daughter of the late William Craig, Esq., Merchant, Glasgow.

TEMPLE—HUCKVALE—On July 12, at All Saints, St. John's-wood, by the Rev. H. W. Maddock, incumbent, James William, only child of W. W. Temple, Esq., of Bruntsfield House, Finchley-road, to Ann Hewlett, only child of Robert Huckvale, Esq., of Devon Villa, Finchley-road, St. John's-wood.

DEATHS.

BAKER—On May 31, Matthew Beckwith Baker, Esq., Solicitor, of Pimlico.

BENNETT—On July 6, aged 10 months, Thomas Wentworth Bennett, the only son of Thomas Randle Bennett, Esq., Barrister-at-Law, of Stoke Newington-green.

BURRELL—On July 11, at Gray's-inn-square, John Palfrey Burrell, Esq., Barrister-at-Law, aged 86, youngest son of the late Palfrey George Burrell, Esq., of Alnwick, Northumberland, and formerly police magistrate at Westminster.

DOBINSON—On July 8, at Egham-lodge, Surrey, Ethel Mary Logan, the infant daughter of Francis Dobinson, Esq.

GODDARD—On July 12, at Blake House, Bow, Godfrey Goddard, Esq., of 101 Wood-street, Cheapside, Solicitor, aged 62.

LITTLEDALE—On July 6, at his residence, Bolton-by-Bowland, aged 49, Henry Anthony Littledale, Esq., Barrister-at-Law, formerly of the Northern Circuit, and for many years an active county magistrate.

PAGE—On July 7, at Aston, aged 65, G. A. Page, Esq., formerly Solicitor of that town.

PARRY—On July 4, at Campden-hill, the infant son of Mr. Serjeant Parry.

RAWLINSON—On July 11, after a short but severe illness, Thomas Abraham Rawlinson, Esq., Barrister-at-Law, aged 43.

RAY—On July 7, at 17, Manchester-square, the house of her son-in-law, Dr. Sieveking, Mrs. Ray, aged 73, widow of the late John Ray, Esq., J.P., of Finchley, Middlesex.

RICHARDSON—On July 10, at Thurcaston, Leicestershire, aged 49, Charles George, eldest surviving son of the late Sir John Richardson, formerly one of the Judges of the Court of Common Pleas.

Heirs at Law and Next of Kin.

Advertised for in the London Gazette *and elsewhere.*

HILLIARD, or HILLYARD (who was an Attorney-at-Law practising in London between the years 1840 to 1846). His heir-at-law or devisee to apply to Messrs. Soames & Cooke, Solicitors, Wokingham.

JONES AND OWENS' FAMILIES.—The relatives of GRACE and THOMAS JONES, married, and of ARABELLA JONES, Spinster, all living in 1785, and of OWEN OWENS, executor of Margaret Jones, wife of Thomas Jones, died in 1778, to apply by letter to B. Hope, Esq., Solicitor, 9 Ely-place, Holborn-hill.

WINTER, THOMAS, son of Thomas Winter, who was an infant in 1767, and of his brothers, and of BENJAMIN WINTER, son of Benjamin Winter—all living in 1775. Relatives to apply by letter to B. Hope, Esq., Solicitor, 9 Ely-place, Holborn-hill.

LOMAX, JOHN, Dunsters within Elton, Bury, Lancashire (who died on or about Sept. 9, 1813). His next of kin, or legal personal representatives, to apply to District Registrar, 10 Camden-place, Preston. Lomax and others *v.* Lomax and others. Aug. 9.

EATON, HARRIET, Spinster, Hartley House, Lower Heath, Hampstead (who died on or about Oct. 24, 1857). Her next of kin to prove their claim before V. C. Stuart, at 12 Old-square, Lincoln's-inn, on or before Nov. 1. Shaw and another *v.* Owen and another.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

BILLING, JENEFRED COURTIS, Widow, Devonport, and FANNY CHALK AUSTIN, Spinster, a Minor, £100 Consols.—Claimed by JENEFRED COURTIS, BILLING.

CODRINGTON, WILLIAM, Esq., Wroughton, Wilts, £550 New 2½ per Cents. substituted April 5, 1854, for £500 Old South Sea Annuities.—Claimed by WILLIAM WYNDHAM, administrator with the will annexed, de bonis non.

GRANT, KATE, Spinster, Ryde, Isle of Wight, and Rev. ROBERT DAY DENNY, Shiffield, Hants, £82 : 17 : 7 Consols.—Claimed by KATE GRANT and ROBERT DAY DENNY.

PRATT, JAMES, Groom, Little Gaddesden, Herts, £27 : 5 : 9 Consols.—Claimed by JAMES PRATT.

RIDDLE, ANDREW, Millwright, Ferry, Isle of Dogs, Poplar, £33 Consols.—Claimed by ANDREW RIDDLE.

STURCK, MAURITIUS ADOLPHUS NEWTON DE, Rear-Admiral, R.N., £1,250 Consols.—Claimed by ROBERT THOMAS KENT, sole executor of Mary De Sturck, Widow, deceased, who was sole executrix of the will Mauritius Adolphus Newton De Sturck, deceased.

English Funds.

English Funds.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock	..	222	221 22	222	220½ 20	221
3 per Cent. Red. Ann.	95¾ ¼	96 ⅝	95⅝	96⅛	95⅞ 6	95⅝
3 per Cent. Cons. Ann.	94⅞	95⅛ ¼	95¼ ⅜	96⅛	95⅛ ¼	95⅜ ½
New 3 per Cent. Ann.	95¼ ⅜	96⅛ ¼	95¼	96⅛	96 5⅛	95⅜ ⅝
New 2½ per Cent. Ann.	..	..	..	..	..	..
5 per Cent. Ann.	..	..	..	..	..	..
Long Ann. (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Apr. 5, 1885)	17⅜	..	..	18	17⅞	18
India Stock	214½ 16	216	217 19	218	220 18	218½ 21
India Loan Debentures	95½	95⅞	95⅝ ⅜	95⅝ ⅜	95⅝ ½	95⅝ ½
India Loan Scrip	94⅜ ⅛	94⅜ ⅜	94⅜	95¼	..	95¼ ⅛
India Bonds (£1,000)	..	..	5s d	..	..	..
Do. (under £1000)	5s d	10s 6d	8s d	2s 7d	7s 8s d	2s d
Consols for account	94⅜ 5	95⅛ ¼	95⅜ ⅜	96⅛ 6	95⅜ ½	95⅜ ½
Exch. Bills (£1000) Mar.	24s p	27s 24s p	24s 27s p	28s 29s p	26s 25s p	28s 25s p
Ditto June	..	..	..	..	..	..
Exch. Bills (£500) Mar.	..	27s 24s p	24s 27s p	28s 29s p	..	27s p
Ditto June	..	..	..	..	..	..
Exch. Bills (Small) Mar.	24s 27s p	27s 24s p	24s 27s p	28s 29s p	29s p	27s p
Ditto June	..	..	..	..	..	..
Do. (Advertised) Mar.	..	..	..	..	..	..
Ditto June	..	..	..	..	..	..
Exch. Bonds	..	..	..	..	..	..
Exch. Bonds, 1858, 3½ per Cent.	..	..	..	..	..	..
Ditto (under £1,000)	..	..	..	..	..	..

Railway Stock.

Railways.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Birk. Lan. & Ch. Junc.	..	..	74 3½	..	..	..
Bristol and Exeter	..	..	95 6	..	..	..
Caledonian	81½ 1	82 1½	82⅜	84⅜ ½	85 4½	84 3⅜
Chester and Holyhead	..	..	..	..	..	..
East Anglian	..	..	15½	..	..	15⅜
Eastern Counties	59½	59⅜ 60	59½	60½ 59½	60½	60⅜
Eastern Union A. Stock	..	..	..	..	..	..
Ditto B. Stock	28½	28	..	..	29	29
East Lancashire	..	..	..	95½	94⅜ ½	95½ ⅝
Edinburgh and Glasgow	71⅛ 2	..	..	..	..	70⅜
Edin. Perth, and Dundee	..	..	..	..	..	..
Glasgow & South-Westn.	..	..	..	..	..	..
Great Northern	101⅜ 2	101½ 2	102½ 3½	..	105 4	105 4
Ditto A. Stock	84 5	..	..	..	..	86
Ditto B. Stock	..	131	..	..	..	130
Gt. South & West. (Ire.)	..	..	..	..	..	103½
Great Western	57⅜ 8	58½	58⅜	59 8½	59⅜ ½	59 ⅝
Do. Stour Vly. G. Stk.	..	..	..	..	..	..
Lancashire & Yorkshire	96	96	96⅜ ½	97½	96⅜ 7½	97⅜
Lon. Brighton & S. Coast	113	..	113	114 13½	113	114 13
London & North-Wstrn.	94⅝	95½ 4½	95½ ⅝	96⅛	96⅜ 7	96⅛ 6
London & South-Westrn.	94⅜	95½ 4½	95½ ⅜	96⅛ ½	..	96⅛ 5
Man. Sheff. & Lincoln	37⅛	37⅜ ½	37½ 7	38½	37⅜	38 ⅞
Midland	102⅜ 3	103⅛ ½	102⅜ 3½	104½	103⅝ ⅜	104⅛
Ditto Birm. & Derby	..	78	..	80 1	80½ ½	80 ¼
Norfolk	..	59 60	59	..	..	..
North British	56½	56½ ⅜	..	57⅛ 8	58⅜ ⅛	57⅛
North-Eastern (Brwck.)	91⅛	92¼ ⅛	92⅜ 3	94⅛ ⅜	94⅜	94⅛ ⅜
Ditto Leeds	..	46⅜ 8	..	48½	48⅜ 8	48⅜ 9
Ditto York	73⅜ 4	74⅛ ¼	74⅛ 5	75⅜ ¼	76⅛ 7	75⅛
North London	..	..	..	..	..	101⅛
Oxford, Worc. & Wolver.	33	32⅜	..	..	33½	33⅜
Scottish Central	..	..	110	..	..	..
Scot. N.E. Aberdeen Stk.	..	..	..	..	..	..
Do. Scotsh. Mid. Stk.	..	..	..	..	..	..
Shropshire Union	..	..	..	..	..	..
South Devon	..	..	..	..	..	..
South-Eastern	71⅛ ⅜	72⅛ ½	72⅛ ⅜	75 4½	74⅜ 5	75 3½
South Wales	62	61	..	..	..	61
Vale of Neath	..	..	..	..	..	70

Estate Exchange Report.

AT THE MART.

By Messrs. WHITE & JAMESON.

Leasehold Dwelling Houses, Nos. 5 to 8, Paget-villas, Shrubland-grove East, Dalston; term, 90 years from December, 1858; ground-rent, £26 per annum; let at £30 each per annum.—Sold for £1,140.

Leasehold, Whitefield-chapel, Wilson-street, Long-acre; held for 61 years from Midsummer, 1841; ground-rent, £23 per annum.—Sold for £1,625.

By Mr. W. MOXON.

Leasehold House, No. 4, Hanley-villas, Gertrude-street, Chelsea; let at £32 per annum; term, 97½ years from June, 1853; ground-rent, £5 7 annum.—Sold for £318.

By Messrs. ABBOTT & WHEGGLESWORTH.

Leasehold Coach-house & Stabling, Keppel-mews North; let at £27 per annum; term, 78 years from Lady-day, 1809; ground-rent, £6: 6: 0.—Sold for £147.

An Improved Rental of £45 per annum, arising from No. 7, Holland-street, Blackfriars-road; term expires Christmas, 1881.—Sold for £236: 5: 0.

By Mr. CRISPE.

Leasehold Residence, Nos. 1 & 2, Grasham-villas, Croydon-grove, Croydon, Surrey; let at 9 guineas each per annum; term, 90 years from Midsummer, 1859; ground-rent, £4: 4: 0 per house.—Sold for £255 each.

By Mr. FARRELL.

Improved Ground-rents, £10 per annum, secured upon Nos. 1 & 2, Grove-villas, Albion-grove West, Thornhill-road, Barnsbury; term, 93 years from Christmas, 1857.—Sold for £195.

Improved Ground-rents, £14 per annum, secured upon Nos. 13 & 14, Richmond-crescent, Thornhill-road, Barnsbury; term, 94 years from Christmas, 1848.—Sold for £280.

Improved Ground-rent, £14, secured upon Nos. 15 & 16, Richmond-crescent.—Sold for £280.

Improved Ground-rent, £14, secured upon Nos. 31 & 32, Richmond-crescent.—Sold for £280.

Improved Ground-rent, £14, secured upon Nos. 23 & 24, Richmond-crescent; term, 95 years from Christmas, 1855.—Sold for £285.

Improved Ground-rents, £24 per annum, secured upon Nos. 16, 17, 20, 21, 22, & 23, Albert-terrace, Barnsbury-road; term, 99 years from Christmas, 1848.—Sold for £445.

Improved Ground-rents, £14 per annum, secured upon Nos. 24, 25, & 26, Albert-terrace.—Sold for £265.

Improved Ground-rents, £16 per annum, secured upon Nos. 44, 45, 46, & 65, Albert-street.—Sold for £300.

Improved Ground-rents, £24 per annum, secured upon Nos. 53 to 58, Albert-street.—Sold for £480.

Improved Ground-rents, £16 per annum, secured upon Nos. 59, 60, 63, & 64, Albert-street.—Sold for £300.

Leasehold House, No. 7, Whiskin-street, St. John-street, Clerkenwell; estimated value, £35 per annum; term, 63 years from March, 1825; ground-rent, £6.—Sold for £265.

Leasehold House, No. 26, Whiskin-street; let at £25 per annum; same term; ground-rent, £4.—Sold for £110.

By Messrs. D. S. BAKER & SON.

Leasehold House, No. 30, Arlington-street, New North-road, Islington; let at £38 per annum; term, 80 years from June, 1847; ground-rent, 4 guineas.—Sold for £355.

By Messrs. E. FOX & BOUSFIELD.

Freehold Residence & Business Premises, No. 370, Oxford-street; let on lease at £220 per annum.—Sold for £3,550.

Freehold House & Shop, No. 371, Oxford-street; let on lease at £140 per annum.—Sold for £2,420.

Freehold Premises in rear of the above, comprising yard, warerooms, workshop, stables, warehouse, &c.; let on lease at £210 per annum.—Sold for £3,430.

Freehold House, No. 61, Berwick-street, Oxford-street; let at £37 per annum.—Sold for £310.

Freehold Ground-rent, £11: 5: 0 per annum, arising from No. 59, Berwick-street.—Sold for £390.

Freehold Ground-rent, £11: 5: 0 per annum, arising from No. 60, Berwick-street.—Sold for £400.

Leasehold Houses, No. 43, Lincoln's-inn-fields, & No. 6, Portugal-street; let at £737: 10: 0 per annum for 875 years unexpired, at a peppercorn rent.—Sold for £8,500.

Freehold Dwelling-house, No. 47, Stanhope-street, Clare-market; let at £40.—Sold for £520.

Freehold Corner-house & Pawnbroker's Shop, No. 48, Stanhope-street; let on lease at £45.—Sold for £760.

Freehold House, No. 15, Dorrell-street, Clare-market; let at £40 per annum.—Sold for £440.

Freehold House & Shop, No. 9, Clement's-inn-passage, Strand; let at £50 per annum.—Sold for £480.

Freehold House & Shop, No. 10, Clement's-inn-passage; lately let at £45 per annum.—Sold for £460.

Leasehold enclosure of Market-garden & Orchard Land, north side of the Plumstead-road, Plumstead, Kent, 2a. 1r. 31p: term, 1,000 years from 1645.—Sold for £330.

Leasehold, a similar lot, on south side of Plumstead-road, 1a. 3r. 25p.—Sold for £290.

Leasehold Plot of Market-garden Land, with house, barn, cottages, &c., six acres, south side of Plumstead-road; let at £25 per annum; term, 1,000 years from 1645; ground-rent, £5 per annum.—Sold for £720.

Leasehold Public-house, the Prince of Orange, Plumstead; let at £32 per annum; ground-rent, £6.—Sold for £390.

Leasehold Plot of Ground, Vicar's-lane, 5a. 3r. 31p.; let at £19: 10: 0 per annum.—Sold for £760.

Leasehold enclosure of arable land, Vicar's-lane, 1a. 7p.; same term.—Sold for £270.

Leasehold enclosure of arable and orchard land, Vicar's-lane, 0a. 3r. 0p.; same term; no ground-rent.—Sold for £170.

Leasehold Houses, Cottages, Garden, &c., High-road, Plumstead, 2a. 1r. 6p.; let at £34 per annum; same term; ground-rent, £5 per annum.—Sold for £380.

By Messrs. VENTOM & SON.

Leasehold Residence, No. 4, Pine Apple-place, Maida-hill; term, 63 years unexpired from Michaelmas last; ground-rent, £25 per annum.—Sold for £810.

Leasehold Residences, Nos. 8 & 9, Lorn-road, Brixton-road; let at £67 per annum; term, 83 years from Lady-day, 1843; ground-rent, £12.—Sold for £370.

By Messrs. GREEN & SON.

Leasehold Business Premises, No. 15, Cornhill-street, Paddington; let on lease at £160 per annum; term, 80 years; ground-rent, £5.—Sold for £1430.

Leasehold Residence, No. 3, Norfolk-road, St. John's-wood; let at £78 per annum; term, 76 years; ground-rent, £12 per annum.—Sold for £700.

Leasehold Residence, No. 27, Norfolk-road, let at £63 per annum; same term and ground-rent.—Sold for £550.

Leasehold Dwelling Houses, Nos. 1 to 5, Moor-lane, Cripplegate, let at £153 per annum; term, 61 years from Michaelmas, 1831; ground-rent, £12 per annum.—Sold for £985.

Leasehold Stabling, Warehouses, and Workshops, in Tenter-street, Cripplegate, let at £95 per annum; term, 61 years from Michaelmas, 1831; ground-rent, £10.—Sold for £500.

Leasehold House and Shop, No. 30, Park-place, Kennington-cross, let at £20 per annum; held for 99 years from November, 1836, if 3 persons, aged 11, 10 and 6 should so long live, at ground-rent of £3 per annum.—Sold for £65.

By Messrs. H. BROWN & T. A. ROBERTS.

Leasehold House and Shop, No. 39 Chapel-street, Belgrave-square; let at £91: 15: 0; term, 45 years from Lady-day last; ground-rent, £6: 6: 0.—Sold for £960.

By Mr. J. PEAKE.

Freehold Dwelling-house, No. 9, Prospect-row, Bermondsey; let at £19: 19: 0 per annum.—Sold for £250.

Freehold Residence, "Forest Lodge," Forest-hill; let on lease at £35.—Sold for £505.

Leasehold Dwelling-house, No. 6, Union-road, Rotherhithe.—Sold for £225.

Leasehold Houses, Nos. 47 to 52, Crescent-road, Park-crescent, Park-road, Clapham.—Sold for £455.

Leasehold Houses, Nos. 21 to 24, Valentine's-place, Blackfriars-road.—Sold for £415.

Leasehold Dwelling-house, No. 125, New Church-street, Bermondsey.—Sold for £115.

Leasehold Houses, Nos. 1, 2, & 3, Alexander-street, Church-street, Old Kent-road.—Sold for £380.

By Messrs. BAKER & SON.

Freehold Field, 8a. 2r. 20p., near Well's-road, Hammersmith.—Sold for £1700.

Freehold plot of Building Land, 1a. 0r. 10p., Well's-road.—Sold for £250.

Freehold plot of Building Land, 1a. 0r. 0p., Well's-road.—Sold for £250.

By Mr. MARSH.

Leasehold Houses and Shops, Nos. 32 to 38, Crosley-row, King-street, Southwark; and 21 Brick, and two timber-built Houses and gardens, in King's-place, adjoining.—Sold for £610.

Leasehold Residence, No. 15, Highbury-crescent, Highbury; estimated value, £150 per annum; term, 99 years from Midsummer, 1844; ground-rent, £7.—Sold for £1,900.

Leasehold House and Shop, No. 57, Hickman's Folly, Dockhead, Bermondsey; let at £28 per annum; term, 996 years from 1722; ground-rent, 2½d. per annum.—Sold for £410.

Leasehold Dwelling-house, No. 28, Store-street, Bedford-square; let on lease at £65 per annum; term, 94 years from Michaelmas, 1780; ground-rent, £5.—Sold for £250.

Leasehold Residence, No. 29, Store-street; let on lease at £60 per annum; same term; ground-rent, £5 per annum.—Sold for £350.

By Messrs. ROBERTS & RODY.

Freehold Houses, Nos. 7 & 8, Gloucester-street, Hackney-fields; let at £59 per annum.—Sold for £520.

Freehold Houses, Nos. 24 & 25, East-street, Smart-street, and 26 & 27, East-court; producing £39 per annum.—Sold for £225.

Freehold Ground-rent, £58 per annum, secured upon Nos. 8 & 9, Byde's-place, 1, 2, & 3, Swan-court, and Nos. 15 to 21, Swan-yard, Shoreditch; also, 3 Freehold Dwelling-houses, Nos. 6, 7, & 8, Byde's-place; let at £54: 16: 0 per annum.—Sold for £1,600.

Freehold Dwelling-house, No. 2, Ann-street, Pollard-row, Bethnal-green-road.—Sold for £140.

Freehold Dwelling-house, No. 3, Willow-street, Globe-road; let at £13 per annum.—Sold for £130.

Freehold Ground-rent, £34 per annum, secured on Nos. 1 to 6, Osman's-place, Great Arthur-street, St. Luke's.—Sold for £570.

Freehold Houses, Nos. 4 & 5, Crosland-square, Crosland-street, Hagne-street, Bethnal-green-road; let at £20: 16: 0 per annum.—Sold for £120.

Leasehold Houses, Nos. 1, 2, & 3, Nelson-street, Hackney-road.—Sold for £145.

Leasehold Houses, Nos. 4 & 5, Globe-lane, Bethnal-green.—Sold for £230.

Leasehold Houses, Nos. 14, 15, & 16, Nelson-place, Hackney-road.—Sold for £100.

Leasehold House, No. 30, Pollard-row, Bethnal-green-road.—Sold for £35.

Leasehold Houses, Nos. 1, 2, & 3, Old Cock-lane, or Boundary-street, Shoreditch, & Nos. 1, 2, & 3, Collingwood-street.—Sold for £440.

Leasehold House & Shop, No. 2, Warwick-place, Kingsland-road.—Sold for £90.

Leasehold House and Shop, No. 3, Warwick-place, Kingsland-road.—Sold for £70.

Leasehold Houses & Shops, Nos. 13 & 15, Warwick-place, Kingsland-road.—Sold for £220.

London Gazettes.

Commissioners to administer Oaths in Chancery.

FRIDAY, *July* 15, 1859.

BARTON, RICHARD CARROL, Gent., 4 Wolsingham-pl., Lambeth.
BIGNOLD, EDWARD SAMUEL, Gent., Norwich.

Bankrupts.

TUESDAY, July 12, 1859.

HARTHAN, JOSEPH, Silk Throwster, Wheelock, Cheshire. *Com.* Perry: July 22 and Aug. 12, at 11, Liverpool. *Off.* Ass. Bird. *Sol.* Cooper, Congleton. *Pet.* July 1.

LARGE, JOHN, Miller, Medway Mill, Boxley, near Maidstone. *Com.* Fane: July 22, at 12.30; and Aug. 19, at 12; Basinghall-st. *Off. Ass.* Cannan. *Sols.* Doyle, 2 Verulam-bldgs., Gray's-inn; or Morgan, Maidstone. *Pet.* July 8.

MILLER, WILLIAM TWEEDDALE, General Merchant, 17 Devonshire-sq. *Com.* Fonblanque: July 20, at 12; and Aug. 24, at 11; Basinghall-st. *Off. Ass.* Graham. *Sol.* Berry, 62 Chancery-lane. *Pet.* July 7.

NEWTH, WILLIAM, Miller, Cradley-heath, Staffordshire. *Com.* Sanders: July 22 and Aug. 11, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Harrison & Wood, Birmingham. *Pet.* July 2.

RIMMINGTON, JOHN, & SAMUEL RIMMINGTON, Tea Dealers, Kingston-upon-Hull. *Com.* Ayrton: July 27 and Aug. 31, at 12; Kingston-upon-Hull. *Off. Ass.* Carrick. *Sols.* England & Saxelbye, Kingston-upon-Hull; or Wright & Bonner, 15 London-street. *Pet.* July 1.

SMART, HENRY, Dealer in Pictures, 10 Tichborne-st., Haymarket. *Com.* Fane: July 22, at 2; and Aug. 19, at 1; Basinghall-st. *Off. Ass.* Whitmore. *Sol.* Abrahams, 27 Bloomsbury-sq. *Pet.* July 7.

FRIDAY, *July* 15, 1859.

BLENKARN, ALFRED BOWER, Merchant, 113 Fenchurch-st. (Blenkarn & Co.) *Com.* Goulburn: July 25, at 11; and Aug. 29, at 12; Basinghall-st. *Off. Ass.* Pennell. *Sol.* Smith, 13 Tokenhouse-yard. *Pet.* July 11.

DOBSON, THOMAS ROBERT, Tailor, Colchester. *Com.* Fonblanque: July 26, at 12.30; and Aug. 17, at 2; Basinghall-st. *Off. Ass.* Graham. *Sols.* Rixon, Son, & Anton, 38 Cannon-st.; or Philbrick, Colchester. *Pet.* July 14.

OPPENHEIM, HENRY, Timber Merchant, 2 Old-st.-rd., and of 4 Dalston-pl., Dalston. *Com.* Fonblanque: July 25, at 12.30; and Aug. 24, at 12; Basinghall-st. *Off. Ass.* Stansfeld. *Sol.* Charnock, 51 King William-st. *Pet.* July 13.

SLOPER, THOMAS ISAAC JAMES, Oilman, 28 Church-st. West, St. Marylebone. *Com.* Fonblanque: July 26, at 2.30; and Aug. 17, at 11.30; Basinghall-st. *Off. Ass.* Stansfeld. *Sols.* J. & J. K. Wright, 25 Bedford-row. *Pet.* July 12.

BANKRUPTCY ANNULLED.

FRIDAY, *July* 15, 1859.

FITZJOHN, JOHN, Auctioneer, March, Isle of Ely. July 13.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, *July* 12, 1859.

BASSNETT, JAMES, & THOMAS BASSNETT, Opticians, Liverpool. Aug. 2, at 11; Liverpool.

CORLESS, RICHARD, Grocer, Liverpool. Aug. 2, at 11; Liverpool.

FRANCIS, CHARLES JAMES, & HENRY FREER, Cyder Merchants, 15 & 17 Great St. Helen's. Aug 2, at 12; Basinghall-st.; sep. estates of both.

HAYWARD, JOSEPH, Woollen Warehouseman, Church-ct., Old Jewry. Aug. 2, at 12.30; Basinghall-st.

HUMPHREYS, WILLIAM CHILTON, Coal Merchant, Winchester. Aug. 2, at 1; Basinghall-st.

LEECH, EDWARD, Apothecary, Chichester. Aug. 2, at 1.30; Basinghall-st.

MARLEY, HARCOURT MASTER, & FOSTER REYNOLDS, Silkmen, Old Broad-st. (H. M. Marley & Co.) Aug. 3, at 12; Basinghall-st.

SENIOR, WILLIAM THOMAS, Fellmonger, Horbury Bridge, Yorkshire. Aug. 2, at 11; Leeds.

WEBB, CHARLES JOHN, Silversmith, 121 Leadenhall-st. Aug. 2, at 2; Basinghall-st.

WOOD, WILLIAM, Carpenter, Gravesend. Aug. 2, at 11; Basinghall-st.

FRIDAY, *July* 15, 1859.

BRENDOM, CARL, Licensed Victualler, Liverpool. August 16, at 11; Liverpool.

CALLOW, EDWARD, Ship Owner, 2 Billiter-st. August 5, at 11; Basinghall-st.

JAMES, THOMAS GATES, Builder, River-st., Myddelton-sq. August 5, at 11; Basinghall-st.

LILLEY, JOHN, & ALFRED ASHMALL (John Lilley & Company), Merchants, Liverpool. August 12, at 11; Liverpool.

RUTHERFORD, JAMES, Grocer, Stanwix, Cumberland, and Main Guard, Carlisle. August 5, at 11.30; Newcastle-upon-Tyne.

WYNN, WILLIAM NATHANIEL, Auctioneer, 3 Thornton-row, Greenwich. August 5, at 12; Basinghall-st.

CERTIFICATES.

To be ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *July* 12, 1859.

BLACKLEY, GEORGE, Brewer, Salford. Aug. 4, at 12; Manchester.

CORLESS, RICHARD, Grocer, Liverpool. Aug. 2, at 12; Liverpool.

DEMETRIADI, DEMETRIUS PIETRO, Merchant, Manchester, carrying on business in co-partnership with Pietro Demetriadi, Panayoti Demetriadi, and Panayoti Courise, all of the city of Constantinople (D. P. Demetriadi & Co.) Aug. 3, at 11; Manchester.

JEFFS, CHARLES, Leather Cutter, 40 Hockley, Nottingham. Aug. 2, at 11.30; Nottingham.

PAIN, RICHARD, Ironmonger, Exeter, and 48 & 49 Western-rd., Brighton. Aug. 3, at 12; Exeter.

REDSHAW, THOMAS, & JOHN REDSHAW, Soldiers, Bourn, Lincolnshire. Aug. 2, at 11.30; Nottingham.

TRIGG, HARRY RICHARD, Builder, Kingston-upon-Thames, and Esher, now of the Queen's Bench Prison. Aug. 3, at 12; Basinghall-st.

WHITE, JOHN, Joiner, Leicester. Aug. 2, at 11.30; Nottingham.

FRIDAY, *July* 15, 1859.

BROWN, WILLIAM HENRY, Steel Roller, Sheffield. Aug. 6, at 10; Sheffield.

CALLOW, EDWARD, Ship Owner, 24 Billiter-st. Aug. 5, at 11; Basinghall-st.

GEORGE, RICHARD, Coal Merchant, Marsh-hill, Homerton. Aug. 5, at 1; Basinghall-st.

M'PARLIN, PATRICK, Shipowner, Liverpool. Aug. 5, at 12; Liverpool.

MINOTT, JOHN, Victualler, Lower Fazeley-st., Birmingham. Sept. 15, at 11; Birmingham.

ORLEY, JAMES, Corn Dealer, Birmingham. Sept. 15, at 11; Birmingham.

TILLEY, GEORGE, Publican, Bell Inn, 2 Newton-st., Holborn. Aug. 8, at 1; Basinghall-st.

TOPHAM, EDMUND, Machinist, Sheffield and Nottingham. Aug. 6, at 10; Sheffield.

WITHERS, JOHN, Jeweller, Birmingham. Sept. 15, at 11; Birmingham.

To be DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *July* 12, 1859.

BRIGGS, ALFRED, Builder, Sheffield. July 2, 2nd class.

HENCHLEY, RICHARD, HIERON BLOUNT, WILLIAM SMITH, & GEORGE SMITH, Timber Merchants, Ilkeston, Derbyshire. July 5, 3rd class, to William Smith.

HICKEN, GEORGE, Lace Manufacturer, Nottingham. July 5, 3rd class.

PERRY, EDWARD WILLIAM, Merchant, 3 Fenchurch-bldgs. June 28, 2nd class.

SMITH, JOHN, & SAMUEL CLAY OSCROFT, Lace Manufacturers, Nottingham (Smith & Oscroft). July 5, 2nd class.

YOUNGMAN, THOMAS PAUL, Commission Agent, Nottingham. July 5, 3rd class.

FRIDAY, *July* 15, 1859.

BARNES, WILLIAM, Miller, Uldale Mill, Cumberland. July 11, 2nd class, at the expiration of 21 days.

COWAN, ROBERT, Timber Merchant, Newcastle-upon-Tyne. July 8, 2nd class, subject to suspension until Mar. 8, 1860.

HOWLETT, WILLIAM, Builder, Dovercourt Lodge, Harwich. July 8, 3rd class.

MORRIS, JOHN, Shoe Manufacturer, Gt. Bridge and Wednesbury, Staffordshire. July 11, 3rd class, after a suspension of 6 months.

MUNKENBECK, JOHN BERNARD, Tailor, West Hartlepool. July 8, 3rd class, subject to suspension until Jan. 8, 1860.

NORRIS, WILLIAM, & JANE NORRIS, Anchor Smiths, Liverpool (W. & J. Norris.) July 6, 2nd class, to W. Norris. July 6, 1st class, to J. Norris.

PARRY, JOHN, Horse Dealer, Wern, Carnarvonshire. July 11, 3rd class.

PEARSON, JOHN, Grocer, Maryport, Cumberland. July 11, 3rd class, subject to suspension until Jan. 11, 1860.

SAMPSON, JAMES, Picture Dealer, 10 Park-st., Bristol. July 11, 2nd class, after suspension of 6 months.

STANFORD, JOSEPH, & THOMAS STANFORD, Whistler Manufacturers, Wednesbury Oak, Staffordshire. July 8, 2nd class.

STEWARD, WILLIAM, Clothier, Church-st., Darlaston, Staffordshire. Dec. 10, 1858, 3rd class, after a suspension of 3 months.

Assignments for Benefit of Creditors.

TUESDAY, *July* 12, 1859.

M'CLEAN, JAMES, Wine Merchant, 149 Sloane-st. June 15. *Trustee*, S. A. M'Clean, Spinster, same place. Creditors to execute on or before Sept. 15. *Sol.* Jerwood, 17 Ely-pl., Holborn.

MADDOX, JAMES, & HENRY LOWSBY, Hosiers, 91 London-rd., Liverpool (Maddox & Lowsby). June 24. *Trustees*, S. Waits & W. Scott, Merchants, Manchester. *Sols.* Fenwick, Liverpool; or Shipman, Manchester.

SPINK, WILLIAM, Grocer, Knaresborough. July 4. *Trustees*, J. L. Smith (John Lee Smith, Son, & Co.), Wholesale Grocer, Hull; T. Spink, Farmer, Wentbridge, near Pontefract. Creditors to execute before Sept. 4. *Sol.* Warwick, Knaresborough.

FRIDAY, *July* 15, 1859.

ASHTON, ROBERT, Bookseller, Pelham-pl., Hastings. July 6. *Trustee*, J. Miles, Bookseller, 33 Paternoster-row. *Sols.* Lawrance, Plews, & Boyer, 14 Old Jewry-chambers.

ATTFIELD, JAMES, Nurseryman, Daventry, Northamptonshire. July 13. *Trustees*, T. Barrett, Chemist, Daventry; J. Osborn, Grocer, Daventry. *Sol.* Burton, Daventry.

CHALTON, THOMAS, Innkeeper, Chester. July 6. *Trustees*, J. E. Williams, Druggist, and J. Jones, Accountant, both of same place. *Sol.* Tatlock, Flookersbrook, Cheshire.

GOOCH, BORRETT, Stationer, Market-pl., Great Yarmouth. June 24. *Trustees*, B. E. Green, Bookseller, Paternoster-row; T. Cooper, Wholesale Stationer, 85 West Smithfield; T. Brightoven, Banker, Great Yarmouth. *Sols.* Richardson, 15 Old Jewry-chambers; Worship, Great Yarmouth.

GRANT, JOHN, Timber Merchant, Cardiff. June 27. *Trustees*, H. W. Banker, Public Accountant, Liverpool; W. H. Williams, Public Accountant, Bristol. Creditors to execute before Sept. 27. *Sols.* Waldron, Cardiff; or Marshall, Liverpool.

HINCHLIFFE, ABEL, Printer, Sheffield. June 25. *Trustee*, I. Ironside, Accountant, Sheffield. *Sol.* Hudson, Sheffield.

HIRST, THOMAS, & SIDNEY FIRTH, Woollen Drapers, both of Halifax, York. June 20. *Trustees*, G. Richardson & R. W. Butterworth, Woollen Manufacturers, both of Huddersfield. *Sols.* Stocks & Franklin, Halifax.

MORRIS, THOMAS, Ironmonger, Pembroke. June 21. *Trustees*, W. Greenlade, Brush Manufacturer, Bristol; W. M. Mackrell, Patent Shot Manufacturer. *Sol.* H. Livett, Bristol.

VERNON, HENRY, Bookseller, 168 New Bond-street. July 12. *Trustees*, G. Routledge, Publisher, Farringdon-st., W. D. Griffith, Publisher, St. Paul's Churchyd., & W. T. Bone, Bookbinder, Fleet-st. *Sol.* Richardson, 28 Golden-sq.

WRIGHT, JANE, Grocer, Durham. June 20. *Trustees*, T. Smiles, Miller, Sunderland; T. S. Turnbull, Draper, Sunderland. Creditors to execute before Sept. 20. *Sols.* Young, Harrison, & Young, Sunderland.

Creditors under Estates in Chancery.

Last Day of Proof.

TUESDAY, *July* 12, 1859.

CARRICK, JOHN, Esq., Southgate, Middlesex (who died in or about the month of Jan., 1837). Carrick v. Green & others, M. R. Nov. 2.

CROOK, JOHN TAYLOR, formerly of New York, U. S., and late of Liverpool (who died on or about Dec. 1, 1851). Crosbie & others v. Gibson & others, M. R. Jan. 20.

FOSTER, WILLIAM, Solicitor, Bowerley, Yorkshire (who died in or about the month of April, 1859). Scott v. Foster, V. C. Stuart. Nov. 2.

GIBSON, ROBERT, Esq., Grove-st., Hackney (who died in the month of Oct., 1847). Gibson v. Gibson, V. C. Kindersley. Aug. 2.

LOMAX, JOHN, Dunstura within Elton, Lancashire (who died on or about Sept. 9, 1813). Lomax & others v. Lomax & others, District Registrar, 10 Camden-pl., Preston. July 26.

SPOONER, JAMES, Morfa Lodge, Port Madoc, Carnarvonshire (who died in or about the month of Aug., 1856). Spooner v. Spooner, V. C. Stuart. Nov. 1.

WELTON, Rev. WILLIAM, York-ter., Sydenham, and 18 Arundel-st., Strand (who died in or about the month of Mar., 1858). Welton v. Cox & another, M. R. Aug. 1.

WHEELHOUSE, GEORGE, Butcher, Deptford-bridge, Greenwich (who died in or about the month of April, 1858). Atkins v. Atkins, V. C. Kindersley. Aug. 1.

FRIDAY, *July* 15, 1859.

BATESON, JOHN, sen., Yeoman, Burton-in-Lonsdale, Yorkshire (who died in or about the month of Sept., 1849). Bateson v. Bateson and others, M. R. Nov. 5.

BAZALGETTE, AUGUSTUS, Esq., Horsham (who died in or about the month of Jan., 1849). In the matter of Augustus Bazalgette, V. C. Kindersley. Aug. 2.

BELLWOOD, GEORGE ARCHER, Esq., Gainsborough (who died in or about the month of June, 1856). James Stephenson, deceased, and others v. Garfit and others, V. C. Wood. Aug. 3.

BOURNE, JOHN, Stalmine Hall, and Bell-vale, Lancashire (who died in or about the month of Jan., 1841). Peel and another v. Bourne and others, M. R. Oct. 29.

CROSS, JOHN, Watchmaker, late of Charterhouse-sq., and Cheshunt (who died on or about Jan. 23, 1836). Cross v. Maltby, V. C. Kindersley. Nov. 5.

EATON, HARRIET, Spinster, Hartley House, Lower Heath, Hampstead (who died on or about Oct. 24, 1857). Shaw and another v. Owen and another, V. C. Stuart. Nov. 1.

STODHART, ROBERT, Islington-green, Middlesex (who died in or about the month of Aug., 1846). Bosey v. Carter, M. R. Nov. 4.

WARD, LYDIA, Widow, Aldenham, Herts (who died in or about the month of Sept., 1858). Gordon v. Duff, M. R. Aug. 9.

WIGAN, THOMAS WILLIAM, Retired Major and Brevet-Lieut.-Col. in the late H.E.I.C.S., Long Ashton, Somersetshire (who died in or abomt the month of May, 1856). Lucas v. Anderson and another, V. C. Stuart. Nov. 1.

Winding-up of Joint Stock Companies.

TUESDAY, *July* 12, 1859.

UNLIMITED, IN CHANCERY.

CAN CYNON MINING COMPANY.—To settle the list of Contributories; July 23, at 1, M. R.

FIRESTEAD, WOOLWICH, AND CHARLTON CONSUMERS PURE WATER COMPANY.—For proof of debts; adjudication thereon, July 19, at 12, Kindersley, V. C.

LIMITED IN BANKRUPTCY.

GREAT WESTERN IRON COMPANY (*Limited*).—Petition for winding up, June 22. Creditors to prove their claims at Bristol, July 22, at 11.

METROPOLITAN SALOON OMNIBUS COMPANY (Limited).—Petition for winding up to be heard at Basinghall-st., July 21, at 2.30.

LIMITED, IN BANKRUPTCY.

FRIDAY, *July* 15, 1859.

GROUX'S IMPROVED SOAP COMPANY (Limited).—To make a Dividend, and Proof of Debts, Aug. 6, at 12.30; Basinghall-st.

UNLIMITED, IN CHANCERY.

BRITISH, COLONIAL, AND FOREIGN SUGAR COMPANY.—V. C. Kindersley, on July 25, at 2, to settle the list of Contributories.

CRYSTER MUSIC HALL COMPANY.—V. C. Wood will, on July 9, make an order for winding-up.

Scotch Sequestrations.

TUESDAY, *July* 12, 1859.

ANDERSON, DAVID, Commission Agent, Leith (David Anderson & Co.) July 18, at 1; New Ship Hotel, Leith. *Sec.* July 8.

DICK, DAVID SMITH, Spirit Merchant, Bristo-st., Edinburgh. July 12, at 2; Stevenson's-rooms, Edinburgh. *Sec.* July 6.

MUIR, THOMAS, Carter in Partick, Glasgow. July 15, at 12; Crow Hotel, Glasgow. *Sec.* July 7.

FRIDAY, *July* 15, 1859.

GARLIC, GEORGE, Cabinet Maker, Leith, prisoner in the petion of Edinburgh. July 22, at 2; New Ship-hotel, Leith. *Sec.* July 13.

RAILWAY FOUNDRY, HUNSLET, NEAR LEEDS.

TO BE OFFERED FOR SALE BY PUBLIC AUCTION, pursuant to the Order of the High Court of Chancery made in certain causes

ROBERTS v. POLLARD,
POLLARD v. WILSON,
TURNER v. WILSON,

with the approbation of the Judge to whose Court the said causes are attached, by

MESSRS. HARDWICKS & BEST, the persons appointed by the said Judge for that purpose, on WEDNESDAY, the 20th day of JULY, 1859, at the house of Mr. J. B. Fleischmann, the SCARBOROUGH HOTEL, BISHOPSGATE-STREET, LEEDS, at THREE o'clock in the afternoon, a very EXTENSIVE and highly VALUABLE FREEHOLD PROPERTY, situate in Hunslet, in the parish of Leeds, in the county of York. In the first instance, as an entire estate, consisting of the following:—

All those extensive PREMISES, situate in Hunslet, near Leeds, in the county of York, and known by the name of "The Railway Foundry," comprising iron and brass foundries, forges, erecting shops, smith's shops, tender or frame shop, turning shops, joiners' shop, punching and boiler shops, engine houses, sheds, yards, cottages, and building land, and containing altogether, including moieties of Pearson-street, Russell-street, Gama-street, Jane-street, Hannah-street, Yarmouth-street, and Queen-street, so far as the same streets are co-extensive therewith, 35,289 square yards or thereabouts, immediately adjoining the Midland Railway, all parts of the premises being connected with such railway by a branch railway running through the property.

The fixed Machinery and Plant, which will be sold with the above, consists of the particulars hereinafter mentioned as to be disposed of with the different Lots, in the event of the Estate not being sold in One Lot.

In the event of the Estate not being so disposed of, it will be offered in the following or such other Lots as shall be arranged to suit purchasers at the time of Sale (but in either case subject to such Conditions as shall be then produced).

Lot 1.—A Plot of LAND and BUILDINGS, called "THE FOUNDRY," adjoining Pearson-street, comprising 1,908 square yards or thereabouts, inclusive of moieties of Pearson-street, Russell-street, and Gama-street, co-extensive with the frontages thereto, abutting on Pearson-street South, Russell-street West, Gama-street East, and on the Iron Works of Messrs. Kitson, Laird, & Co., North.

The Buildings on this Lot consist of a FOUNDRY, 58ft. in length by 56ft. in width, containing a sand-pit, 12ft. deep and 10ft. in diameter; one ten tons crane, and two cranes, each five tons, with chains complete; three cupolas; small high pressure steam engine, 4-horses power, with boiler 14ft. 6in. by 4ft. 6in. in diameter; fan; core stoves, loam shed, sand shed, model rooms over the same; a small foundry, 21ft. 10in. in length, by 16ft. in width, and travelling crane in same; fettling shop; together with an enclosed yard.

This Lot forms a complete Foundry in itself, and all comprised in the foregoing description will be sold in the Lot.

Lot 2.—A Plot of LAND and BUILDINGS thereon, adjoining on the north-east side to an intended new street, 30 feet wide, called or to be called Jane-street, containing, including the moiety of such intended street, 6,970 square yards (more or less), abutting upon the said street in part, and upon buildings now or late belonging to Messrs. Atha and the ends of Russell-street and Brougham-street on or towards the north-east, upon a branch line of road or railway from the Midland Railway south-east, upon Lot 4 south-west, and upon property belonging to Manning, Wardale and Co., north-west.

The buildings on this Lot comprise Smiths' Shops, Boiler Shop, Offices, Model Rooms, Store Room and Shed, to which is attached a spacious Yard. On this Lot is one of Garforth's Patent Rivetting Machines, with hoist, travelling crane, double-powered crab and wrought-iron chain, double-flued cornish boiler, 28ft. long by 7ft. in diameter, with 2 flues 2ft. 9in. in diameter; two steam hammers, one 15cwt. and the other 5cwt. All which the purchaser of this Lot is to have the option of taking at a valuation. The purchaser of this lot shall also be entitled to the user of the branch railway, which connects the works with the Midland Railway, subject to special terms and conditions as to such user, and the maintenance of the said branch railway and works connected therewith jointly with Lots 3, 4, 5, 6, and 7.

Lot 3.—A Plot of LAND and BUILDINGS, adjoining Queen-street, and Hannah-street, and Yarmouth-street, comprising 2,660 square yards, including moieties of such streets co-extensive therewith, abutting upon Hannah-street north-east, upon Queen-street south-east, upon Lot 5 south-west, and upon the said Branch Railway north-west.

The buildings upon this lot consist of a shop for erecting locomotive engines, containing columns and beams to support travelling cranes of great power, fourteen engine pits and rails from each to the branch railway; a building, called "The Bee-hive Turning Shop;" an engine-house containing a 25-horse high-pressure horizontal steam-engine, boiler shed, and two boilers, each 15 feet in length by 6 feet 10 inches in diameter, with flues 2 feet 8 inches in diameter, and boiler shop. The purchaser of this lot shall have the privilege of purchasing at a valuation the engine, boilers, shafting, and cranes in the erecting shop, or any of them, and shall also have privileges, in respect of the branch railway, similar to those proposed to be given to the purchaser of Lots 2, 4, 5, 6, and 7.

Lot 4. A Plot of LAND and BUILDINGS, adjoining Jack-lane, and comprising an area of 5,775 square yards, more or less, abutting upon Jack-lane south-west, upon property of Messrs. Manning, Wardale, & Co. north-west, upon Lot 2 north-east, and upon the said branch railway south-east.

The Buildings on this lot are Smiths' Shops, Forge, Foundry, &c. There is also on this lot a 30-horse power double-cylinder high-pressure steam-engine, with a double-flued boiler 30 ft. long and 7 ft. in diameter, flues 2 ft. 9 in. in diameter each. Also a 30-cwt. steam hammer, and a 5-cwt. steam hammer, which the purchaser shall have an option to take at a valuation, and shall also have the same privileges in respect to the branch railway as Lots 2, 3, 5, 6, and 7.

Lot 5. A Plot of LAND and BUILDINGS, adjoining to Jack-lane aforesaid, and Queen-street, and comprising 1,750 square yards, more or less, including a moiety of Queen-street co-extensive therewith, abutting upon Queen-street aforesaid south-east, upon Lot 3 north-east, upon Jack-lane aforesaid south-west, and upon the said branch railway north-west.

The buildings on this lot are a tender shop, or frame shop, with four pits for locomotive engines, with rails therefrom to the said branch railway, and pillars and beams supporting a travelling crane. Also, a brass foundry, together with a 20-horse power high pressure horizontal steam engine, with multitubular boiler attached, on the locomotive principle. The steam engine on this lot will be sold with the freehold, and the purchaser shall have the option of purchasing the travelling crane at a valuation, and shall also be entitled to the same privileges in respect of the branch railway as the purchasers of Lots 2, 3, 4, 6, and 7.

Lot 6. A plot of valuable BUILDING LAND, adjoining Jack-lane, comprising 7,283 square yards, more or less, abutting upon Jack-lane North-east, upon the said branch railway North-west, upon Jack-lane, New Pottery, and property of Charles Grosvenor and others, south-east.

This lot comprises a joiner's shop, painting shop, store-room, saw-pit, and servant's cottage. The purchaser of this lot is to have privileges in respect of the branch railway similar to those given to Lots 2, 3, 4, 5, and 7.

Lot 7. Another plot of valuable BUILDING LAND, adjoining Jack-lane and the Midland Railway, containing 5,298 square yards, more or less, abutting upon Jack-lane North, upon the Midland Railway South-west, upon the said branch railway South-east, and upon property of Brandling's trustees North-west.

The purchaser of this lot is to have privileges in respect of such branch railway similar to those to be given to Lots 2, 3, 4, 5, and 6.

For further particulars apply to the Auctioneers, Leeds and Bradford to S. D. MARTIN, Esq., Land Agent, Leeds; Messrs. FIELD & ROSCOE, 36, Lincoln's-inn-fields, London; Mr. J. T. VINING, 2, Moorgate-street, London; Mr. W. LOVELL, 26, Charles-street, St. James's, London; Mr. T. W. NELSON, 4, Cloak-lane, Cannon-street, London,

JNO. TAYLOR, 5, Piccadilly, Bradford.

N.B.—The Devisees of the late Mr. Fretwell have authorised the Auctioneers, in case the above property is sold as an entire estate, to offer, subject to any special condition or conditions to be read at the time of sale, a certain Freehold Property, lying between Lots 1, 2, and 3, which is uncoloured on the Plan annexed to the Particulars of Sale (and which Property was lately under lease to Mr. Edward Brown Wilson, but the lease whereof expired on or about the 1st day of May last), to such purchaser at a sum to be named at the time of sale. But in case the above Property should not be sold as an entire Estate, then the Auctioneers are authorised to offer the said Freehold Property, "late Fretwell's," for Sale as a separate Lot, and the purchaser of Lot 2 of the property in the said particulars, in the first instance, and in case of his refusal the other purchasers in rotation, including the purchaser of Lot 1, are to have the option of taking the said Property, "late Fretwell's," at the sum so to be named by the Auctioneers as aforesaid, such option to be exercised immediately after the fall of the Auctioneer's hammer. But the contract to sell the Property, "late Fretwell's," is to be a totally distinct matter, and to be in no way dependent on, or mixed up with, the sale of the Property in the said Particulars, and is not to make the completion of the one dependent on the completion of the other. And the parties to the above causes are to be under no responsibility whatever as to the said Property, "late Fretwell's."

FREEHOLD and COPYHOLD ESTATES, Norfolk.

TO BE SOLD, pursuant to an order of the High Court of Chancery, made in the causes "Ward v. Hyde," and "Ward v. Ward," with the approbation of the Vice-Chancellor Sir Richard Torin Kinderaley, at the Crown-inn, Downham-market, in the county of Norfolk, on FRIDAY, the 5th of AUGUST, 1859, at SIX o'clock in the Evening, by Mr. WAYMAN, in Three Lots.

Lot 1.—A Freehold Farm, situate near the bridge over the Great Ouse at Downham-market, containing 35a. 3r. 18p., with farm-house, barn, stable, and out-buildings, in the occupation of Mr. William Marsom, as a yearly tenant, at the annual rent of £110.

Lot 2.—A Cottage and 1a. 10p. of fen lands, situate at Downham Fen, in the parish of Downham, in the occupation of William King, at an annual rent of £7.

Lot 3.—A small piece of Copyhold land, held of the manor of Stow Bardolph, situate in Downham-market aforesaid, held by Mr. Robert Ward, without paying any rent other than the quit rent of 6d. a-year.

Particulars and conditions of sale may be had in London of Messrs. SHUM & CROSSMAN, Solicitors, King's-road, Bedford-row; and of Mr. HAMPTON, Solicitor, Chancery-lane; and in the country of Mr. THOMAS LANCELOT REED, Solicitor, Downham-market; of Messrs. E. & E. JACKSON, Solicitors, Wisbeach; of Mr. JARVIS, Solicitor, King's Lynn; of the Auctioneer; and at the place of sale.

Dated this 12th day of July, 1859.

CHARLES PUGH, Chief Clerk.
SHUM & CROSSMAN, 3, King's-road, Bedford-row, for T. L. Reed, Solicitor, Downham-market.

TO BE SOLD, pursuant to an Order of the High Court of Chancery, made in causes entitled Gregory v. Pilkington, with the approbation of the Vice-Chancellor Sir Richard Torin Kindersley, the Judge to whose court the said causes are attached, in or about the month of SEPTEMBER, 1859, in 65 Lots, certain FREEHOLD and COPYHOLD ESTATES, situate at NEWLAND-CUM-WOODHOUSE, ALTOFTS WARMFIELD-CUM-HEATH, NORMANTON, SNYDALE, and ECCLESFIELD, all in the county of YORK, late the property of Sir Edward Dolworth, of Newland Park, in the said county, Baronet, deceased.

The time and place of Sale will shortly be advertised, when printed particulars and Conditions of Sale may be had gratis in London of Mr. CHARLES FIDDEY, 3, Harcourt-buildings, Temple, of Messrs. BENNETT, DAWSON, & THORNHILL, 2, New-square, Lincoln's-inn; and in the Country, of Mr. HENRY BROWN, Solicitor, Wakefield.

Dated this 13th day of July, 1859.

CHARLES FIDDEY, Temple.

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AN INQUIRER.—*Having passed your examination you must attain your majority before you can proceed to New Zealand to practice.*

We are compelled from want of space to defer the publication of several important matters till next week.

THE SOLICITORS' JOURNAL.

LONDON, JULY 23, 1859.

CURRENT TOPICS.

There is some reason to question the expediency of the amendment, which was carried yesterday at the meeting held at the Law Institution, against establishing a rifle corps, to consist of solicitors, their clerks, and other gentlemen connected with the profession. In the country, no doubt, it may be advisable that members of the profession should join local corps; but in London, where local feeling so little prevails, it would have seemed better to take advantage of the corporate spirit which exists in the profession.

The meeting, we understand, was not numerously attended, and we are not yet aware whether the amendment then carried will be considered as embodying the final determination of the profession on this important matter.

STATUTE LAW CONSOLIDATION.

Lord St. Leonards is reported to have said, the other night, in the House of Lords, that the various abortive attempts which have been hitherto made to consolidate our statute law, have cost the country £90,000. The recent published accounts of the Statute Law Board and Commission inform us that they have managed to expend, since 1853, no less a sum than £20,589. Since the 24th July, 1857, when everybody (including the commissioners themselves, or Mr. Ker, which is the same thing) laughed at the notion of their ever doing anything of the smallest use, they have paid £3,639 to various draftsmen for the work of consolidation; having, in 1856 and 1857, squandered a still larger sum upon Bills, which were then, and have continued to be, utterly valueless, and not one of which has ever been presented to Parliament. In the last accounts, we find one item of £432 10s. (in a former account, the sum named is 650 guineas), paid to Mr. H. Jessel, for the draft of a Bill to consolidate the Stamp Acts, and also £200 paid to the same gentleman, for a similar Bill, relating to joint stock companies. It should not be overlooked that, while he was engaged on the latter task, the Board of Trade was employing Mr. Thring in annual attempts of the same kind, at what cost to the country we have no means of judging. It seems, however, to have been one of the chief objects of the commissioners to find employment for Mr. Jessel. At least, this gentleman happens to have been singularly fortunate from the beginning in the amount of money which he has been paid for useless work.

The recently published return commences fitly enough with a characteristic blunder. It is headed, "Minutes of Proceedings of the *Board*," while they are in fact minutes of proceedings of the Statute Law *Commission*, as distinguished from the previously existing Statute Law Board. The Parliamentary order for the return carefully marks the distinction. The first minute is a fair specimen of the mode in which proposed Acts of Parliament are drawn for Government, and also of the scandalous uselessness and inertness of the commission. In February, 1855, Lord Cranworth reported that a Bill prepared by the Registrar-General, purporting to be a consolidation of the Marriage Acts, had been referred to him by the Home Secretary for consideration. Upon examination, it turned out to be as much misnamed as Mr. Thring's so-called "Winding-up" Act of last session. Lord Cranworth complained that it was not a consolidation of *all* the Marriage Acts, and that it was characterised by no improved arrangement or condensation. The commissioners took the matter in hand, but of course nobody has ever since heard anything more about it, except that it has cost something, and was one of the excuses for Mr. Ker drawing his salary for another year or two. We mention this merely by way of illustration. To go through all the blunders and misdeeds—the doings and undoings—of the commissioners, would be to reprint the whole of their own four reports, which, taken together, form a most instructive example of the great problem of modern English officialism—"how not to do it"—in which Mr. B. Ker is without a rival, notwithstanding the good-natured eulogies of his noble patrons in the House of Lords. At the risk of being charged with killing the slain, we thus refer once more to the subject of the Statute Law Commission, only because we see in these eulogies, which are, from time to time, laboriously repeated in the House of Lords, in the teeth of the universal and indignant protest of the profession, and of an overwhelming array of facts, a matured intention of preparing the way for the reappointment of Mr. Ker to whatever berth may be most profitable, in some new department, to be instituted for substantially the same purposes as the late commission. From what transpired on Lord Cranworth's motion on Tuesday night, there can be no question that, at least, one or two of the law lords are prepared to support the pretensions of Mr. Ker, as the fittest person to carry out Lord Cranworth's proposal. Indeed, the plain meaning of the late report, and of Lord Cranworth's speech, appears to be, that if the country would only pay Mr. Ker enough to induce him to devote all his time to the work, he would get it done, somehow or other, in two or three years. So many monstrous and absurd things have been done by Parliament at one time or another, it is by no means impossible that the profession may open its eyes some morning before the session is over, at such an announcement.

The time has certainly now come when Parliament, or a select committee of either House, ought to consider the entire subject of the method and language of legislation. The consolidation of our statutes is a very hopeless undertaking; and, even if it could be accomplished, it would be a very useless one, if unaccompanied by improvement in the manner of framing future Acts. While legislative language is uncertain, and depends, in a great measure, upon the uncontrolled judgment of a draftsman who may have no experience or peculiar qualifications for his office, there must continue to be an accumulation of Acts to amend Acts, and of Acts to explain and amend Acts, after the manner of the old story of the "House that Jack Built." So long as Parliament is liable to repeal, annul, or affect, in some way or other, previous legislation, without intending to do so, or without knowing it, Parliament must speak with such uncertain utterance as will some day require another word to make its meaning clear. Until there is some

principle or model on which Acts shall be framed, which shall insist upon at least a logical division and arrangement of the subject matter, our statute book must needs be wordy and confused. That it is so now is the result of our method of legislation. To consolidate, without amendment and redistribution of the subject-matter, or, as it is sometimes called, codification, would be to perpetuate the old confusion and engender new. Any wholesale attempt at reducing the bulk of the statute book by the mere excision of enactments that appear to be obsolete or repealed, either expressly or by implication, will necessarily be attended with great and manifest danger of grave errors and new complications. But suppose the consolidation effected as well as possible, and that Parliament had such faith in those who effected it as to pass, at their suggestion, a number of declaratory or supplemental Acts, which might seem to be necessary for the removal of obscurities, and to provide for difficulties which otherwise would result from consolidation, or which might be brought to light thereby, how long before the process of consolidation would be required again? Mere labours of Tantalus, hopeless, bootless, never-ending. Prynne proposed single-handed to consolidate the statute book of his day. Lord Bacon was very anxious to accomplish the same task. Had either of them done so—or, even coming as near to our own times as the beginning of the present century, had it then been done—how much better off should we be now? Should we not be in the same position as Chancery practitioners are in reference to their General Orders? In the latter case, there have been several consolidations, or "renovations," as they used to be called. So long ago as the time of Henry V., there was a *Renovacio Ordinum Cancellariæ*—another in Lord Clarendon's—and, again, another in Lord Bacon's Chancellorship; but, unfortunately, all these consolidations and renovations remain in print, perhaps in force (no one knows); because of the uncertainty that any consolidation does not omit something, and that the old orders, if not absolutely binding on the suitor, are good evidence of a practice that is binding, or, at all events, of the meaning of the subsequent compiler. If any one has a doubt about the damage done by playing at consolidation and codification, he may very soon satisfy himself by a slight perusal of the Joint Stock Companies Acts and Bills, which have been presented to Parliament every session for several years past, the result of all which is, that no branch of English law is in such woful confusion.

We have given an unwavering opposition to the growing tendency of modern times to invoke Government aid for the overcoming of every social and political difficulty that presents itself; and it is therefore with reluctance we turn to the contemplation of a new governmental department. We have always advocated the principle which requires people to do their own business; but whose business is the reformation of the statute book if not that of Parliament? Does any sensible man imagine for a moment that Parliament will ever accept a new statute book on the certificate of such men as can be found practically to undertake the work of consolidation? Of course, we lay aside as worthless—as Parliament would do—the guarantee of officials who could never pretend to have acquainted themselves with all the details of the work, —details which, after all, are very much of the essence of Parliamentary enactments.

(To be continued.)

THE MIDDLESEX ASSISTANT-JUDGESHIP.

The Middlesex magistrates having carried their point for increasing the Assistant-Judge's salary, find, to their displeasure, that they must pay for their triumph. Government, it appears, cannot understand why the extra £800 a-year should come out of the Consolidated Fund; and the magistrates have not yet been able to allege any sufficient reasons why it should. It is satisfactory to find, however, that, amongst their own body, are to be found some "unattached," but, no doubt, very distinguished members of the legal profession, who are willing to offer their services as deputy assistant-judges. Whether these gentlemen mean to supplant Mr. Creasy, or to aid him, and whether they expect to get the same, or less, or any pay, is, of course, at present allowed to be in a state of convenient incertitude. If nothing comes of the proposal, the offer will, probably, in time to come, assume the virtues of patriotism and unselfishness; but if, on the other hand, those gentlemen succeed in getting themselves into the position which they seek, there appears to be nothing to prevent them from asking for the emoluments which are usually expected by competent men, in return for the devotion of their time and ability in the way of professional practice. We hope that the popularity of volunteer rifle corps may not be supposed to afford a sufficient excuse for trying the experiment of a volunteer judge corps at the Middlesex Sessions. No one can seriously think of replacing paid judges at the sessions of the metropolitan county by such stray members of the profession as happen to get into the commission of the peace for the county, and are also willing to assume judicial functions. If mere cheapness of judicature is the great desideratum of the day, why not commence at Westminster Hall? There would be no difficulty in procuring the services of a sufficient number of men willing to try cases at nisi prius, and to sit in banc; and who, moreover, have already presided with very remarkable dignity, and to the universal and utmost satisfaction of admiring country audiences, as is testified from time to time in a detailed and reliable manner, not merely in rural prints, but in metropolitan journals distinguished for their impartiality and freedom from egotistical topics. Indeed, if we mistake not, it has already been so announced that amongst the public-spirited lawyers who volunteered their services to the Middlesex magistrates are certainly one or two of signal ability, whose brilliant endowments and juristical attainments would do honour to any bench, a statement, no doubt, that will elicit a very general response throughout the legal community, varying, perhaps, in its warmth, according as people know more or less. Except in the matter of rifle clubs, however, the public has a suspicion of volunteers; and new-fangled political economy has gone a long way towards convincing common people that if you want a good thing, the cheapest way is to buy it; for that in some way or other you will have to pay for it, if not down, certainly in the long run. The misfortune is, that when we are not free to choose, we are sometimes obliged to pay for a bad article, especially if the seller is to select for us; and never more likely than when he talks of literally making us a present of it. Under such circumstances a legal mind bedizened by the glare of temptation and bewildered by conflicting emotions would find a resting-place, if not support and consolation, from a moment's contemplation of that venerable maxim, *caveat emptor*. Unless the Middlesex magistrates can invoke from their repertory of wisdom some safer guide than this, perhaps, for the present, they may content themselves with the reflection, that in the selection of their county officials, who must be paid in some shape or other, they had better follow the ordinary rule of paying the price that will insure what they require. Admitting the self-abnegation and generous regard for public interest which, it is intimated, actuate those anticipating successors of Mr. Creasy; and the assurance which they have kindly given us of their sufficiency for the discharge of his duties; fully recognising, moreover, the value of the enthusiastic and repeated testimonies which, unsought, have been borne by at least one of the metropolitan journals to, at all events, one of these judicial volunteers, we think that, under all the circumstances, some suitable testimonial—to which no doubt

these gentlemen's very immediate friends would be the most willing and liberal subscribers—would sufficiently mark the sense of gratitude entertained towards them for their disinterested offer. We would undertake to find some one who would represent the solicitors of England for the occasion; and with a little management and a few advertisements, we would anticipate complete success for such a movement. But after the indecency of the recent exhibition in the city, on the occasion of an election to one of its subordinate judicial offices, we are a little apprehensive that, in the hands of persons less refined and sensitive than those who last week addressed their brother magistrates on the delicate ground of their own qualifications for a deputy judgeship, the county bench might occasionally witness scenes that might offend some of our weaker brethren, and cause some of those country gentlemen who harbour strange antiquated notions about the etiquette of the bar, to entertain erroneous opinions about the existing state of the profession. At any rate, before our county bench is converted into hustings for judicial candidates, it might be desirable first to prepare the metropolitan mind for the event by a few more spirited city elections, such as we have referred to; as in them we should have all the appliances for ordinary contested elections, without the nomination speeches; so that the addition of the latter element, even though in the advanced nineteenth century form of self-nominations, might not be considered quite so strong a measure as some old-fashioned people now appear to think it.

The Courts, Appointments, Vacancies, &c.

COURT OF PROBATE AND DIVORCE.

Shedden and Shedden v. *The Attorney-General and Patrick and Patrick.*—*July* 20.

This was a petition presented by William Patrick Ralston Shedden and his daughter, Annabella Jean Ralston Shedden, under the Legitimacy Declaration Act, for a declaration that they are the legitimate son and granddaughter of William Shedden, who died at New York in 1798. The respondents, R. S. Patrick and W. Patrick, are the heir at law and next of kin of the late William Shedden in the event of the illegitimacy of the petitioners.

Miss Shedden now appeared in person to move for a commission to examine witnesses in America with respect to the fact of the marriage of her grandfather, William Shedden, with her grandmother previous to the birth of her father.

Sir C. Cresswell said, he would hear either Miss Shedden on her own behalf or her counsel, but if he heard her he could not afterwards hear her counsel.

Miss Shedden said, that she made the motion in person with the assent of her counsel. She then proceeded to state the circumstances of the case and the previous proceedings in the Court of Session and the House of Lords with great clearness and ability, saying that the only object which she and her father had in view in presenting the petition was to have the question of their legitimacy or illegitimacy fairly raised and decided, and to remove the stain that had so long rested upon them.

Dr. Deane opposed the motion on the ground that the question of law, whether the previous decisions of the House of Lords were not a bar to the present proceeding, ought to be determined before the expense of a commission was incurred for the purpose of obtaining evidence upon the question of fact. He also submitted that, if a commission were issued, the petitioners should be ordered to give security for costs, as the litigation upon the questions raised by the petition had been going on for the last sixty years, and the petitioner, Mr. Shedden, was still liable for a large sum incurred as costs in that litigation, which he was unable to pay.

Miss Shedden having replied,

Sir C. Cresswell said, he was of opinion that the commission ought to be granted. The respondents had not only put on the record a statement of the previous proceedings, and of the decisions of the House of Lords, and relied upon them as a bar to the present proceeding, but they had also pleaded a denial of certain allegations of fact upon which the petitioners relied for the purpose of obtaining a declaration of their legitimacy. They might have relied upon the point of law, and if that had been decided against them they could have asked the permission of the Court to amend their pleadings, so as to raise the question of fact. As they had chosen to put their statement of the facts upon the record in the first instance, they must take the consequence of having that advantage, and allow the petitioners an opportunity of obtaining evidence upon those facts. It was clear that as the alleged marriage took place seventy years ago, or thereabouts, the witnesses who were to prove it must be very old. It might be hard that the respondents should be obliged to bear the expense of the commission if the petitioner was not in a condition to do so, but he was not aware of any rule by which a party to a suit could be prevented from proceeding with it unless he gave security for costs on the ground of his poverty. No one who made himself personally liable for the costs could be restrained on the ground of poverty from asserting his own rights. He should, therefore, order a commission to be issued for the examination of witnesses in New York, without calling upon the petitioners to give security for the costs.

WESTERN CIRCUIT.—WINCHESTER.

(Before Mr. Baron Bramwell.)

Webb v. *Ford.*—*July* 15.

The plaintiff is a timber merchant, residing at St. Denis, near Southampton, and the defendant is a nurseryman, residing at the latter town.

The action was for an alleged libel, contained in a letter written by the defendant to Mr. Bridger, an attorney.

The plaintiff was called in support of his case, but before the conclusion of his re-examination the learned judge interposed, and said that, looking at the contents of the letter, he should advise, under the circumstances, that a juror be withdrawn, which was acceded to.

Among the documents returned to these assizes were the depositions, &c., taken before Mr. Todd, one of the county coroners, on the inquests recently held by him upon the bodies of five of the unfortunate sufferers in the ship *Eastern Monarch*, which was burnt at Spithead on the 3rd of June. For this mass of labour, which weighed exactly a pound and a half avoirdupois, and had occupied four long days, it was stated that the magistrates had disallowed all the coroner's fees except 40*s.*

HOME CIRCUIT.—HERTFORD.

(Before Mr. Justice Blackburn.)

Cleabury v. *Tattersall and others.*—*July* 16.

This action was brought to recover from the defendants, the well-known proprietors of the horse establishment at Hyde-park-corner, the sum of £43 upon an alleged warranty of a horse, purchased by the plaintiff at one of their public sales. It appeared that the plaintiff, a solicitor, was, on the 11th of May, looking over the list of horses entered for sale for the following day at Tattersall's. He saw a horse, described in the catalogue as "a bay gelding, a clever hack and hunter," and on the following day he went to the sale, purchased the animal for twenty-one guineas, and rode it home to his residence at Bayswater, when it "blundered" and stumbled twice during the journey; and on the day after he sent the animal to Mr. Field, the eminent veterinary surgeon, who examined him, and gave a certificate that the horse was lame in both his fore legs. He was then returned to Messrs. Tattersall's, who refused to receive him, on the ground that no warranty of soundness had been given, and that the horse really was what he was described to be—"a clever hack and good hunter."

Witnesses were called to prove that the horse was in an unsound state.

The Judge said, as a point of law, he must certainly rule that the description of a horse as a "clever hack" did not amount to a warranty of soundness; the only question for the jury was, whether, upon all the facts, they considered the horse entitled to be described as a "clever hack."

The jury considered, that from the description the plaintiff had a right to expect something different, and they returned a verdict in his favour.

A verdict was then taken for the plaintiff, but judgment was stayed, the learned judge giving the defendants leave to move to enter a nonsuit in the event of the Court being of opinion that he was wrong in law in his ruling with regard to the contract.

MIDLAND CIRCUIT.—Leicester.

(Before Lord Chief Justice Erle.)

Dewes v. *Brown.*—*July* 18.

This was an action for slanderous words spoken, and a libel published by the defendant of the plaintiff, reflecting upon his professional character as an attorney.

The learned counsel for the plaintiff addressed the jury, informing them that the words which had been spoken of the plaintiff at a public meeting at Ashby of the trustees of schools and charities there, and had been reiterated in a letter subsequently written by the defendant, had been withdrawn, and that Mr. Brown had expressed his regret that he should have used words liable to the interpretation put upon them.

OXFORD CIRCUIT—Worcester.—*July* 19.

(Before Mr. Justice Willes.)

Henry Partridge was charged with inflicting on Mr. Charles Gardner, solicitor, grievous bodily harm, with a gun, at Otibersley, on the 13th of July.

It appeared that the prosecutor, who resides at Ombersley, heard a gun fired in his orchard early in the morning, and, getting up, saw a wounded hare in the orchard, and went out in search of the trespasser, and met the prisoner in an occupation road near the orchard. The prosecutor accused the prisoner of poaching, and demanded his gun, and, as the prisoner would not give it up, put his hand into the prisoner's coat pocket, and took out a gun-barrel. An altercation ensued, and the prisoner took the stock of the gun out of another pocket, and beat the prosecutor about the head with it, and cut his head severely. The prisoner's arm was severely bruised, and the prosecutor declined to swear that he did not bruise it by blows with the gun barrel, though he swore he did not believe that he struck the prisoner.

Mr. Powell, for the prisoner, contended that the prosecutor had acted illegally in taking away the prisoner's gun, and that he received the injuries complained of while the prisoner was defending himself from the prosecutor's attack.

The jury adopted this view of the case, and acquitted the prisoner.

(Before Mr. Justice Byles.)

Curtler v. *Waters.*—*July* 20.

This action was brought by the plaintiff, Thomas Gale Curtler, the deputy-chairman of the quarter sessions for the county of Worcester, against the defendant, Thomas Waters, who was clerk to the Severn Navigation Commissioners, to recover damages for not making a proper fence to the plaintiff's land, on the banks of the Severn. The declaration also contained a claim of *mandamus*. The defendant pleaded a number of pleas, denying the plaintiff's title and claim, as alleged in the declaration, and also the breach of duty alleged.

As soon as the case was opened, it appeared that the questions in dispute were chiefly questions of law, arising on the construction of the Act for the improvement of the Navigation of the Severn. It was suggested that the facts should be turned into a special case for the opinion of the Court above, and it was intimated that, if they desired it, the parties might take the case to the highest court of appeal; but as neither party was particularly desirous of continuing the litigation, it was, after a good deal of discussion, agreed that a juror should be withdrawn, and the jury discharged from giving a verdict.

INSOLVENT DEBTORS' COURT.

(Before Mr. Commissioner Murphy.)

Re James Edward Nixon.—*July* 20.

This insolvent, an attorney, who applied under the Protection Act, was opposed by Mr. J. R. L. Walmisley, another attorney.

It appeared that in 1858 a railway was proposed, called "The Pimlico, Hammersmith, and Kew Junction," and Mr. Jacob Montefiore, now residing at Brighton, was the secretary, and the insolvent and the opposing creditor were the joint solicitors. A prospectus was printed, and Mr. Montefiore paid £300 into the Union Bank for the preliminary expenses. The company was never registered, and the scheme failed. The two solicitors received £60 each for the reference work, and the present complaint was, that the insolvent gave Mr. Walmisley two I O U's for £15 each for work he had done; and, further, it was complained that the insolvent was not justified in applying the money except on work of the line. In addition to the debt there were some law expenses.

Mr. Montefiore now attended, and said he was to have advanced £500, but only advanced £300, as the scheme was altered. He had paid Mr. Walmisley a further sum, and had a release.

A question was raised whether there had been a partnership in the railway affair. It appeared that the £300 was paid into the bank, and Mr. Montefiore and the insolvent could draw cheques. Mr. Montefiore denied, as also did Mr. Walmisley, that there was any partnership, and the latter gentleman said he had taken the opinion of two barristers that there was no partnership.

Mr. Commissioner Murphy cared nothing for the opinion of counsel, as all depended on the case stated. His impression was, that there was a partnership; and if that was the case, there could be no opposition. Before he decided the case, he would take an opinion of a qualified person to settle the point.

The prospectus and deed were handed up, and in the latter the parties were described as "promoters."

Mr. Commissioner Murphy thought the word "promoters" settled the case. He had had some experience in railway cases, and considered that an association of promoters made a partnership in law. The case would stand over, to take the opinion to which he had alluded.

The case was adjourned to Tuesday.

MIDDLESEX SESSIONS.—*July* 21.

(Before Mr. Bodkin, Assistant-Judge.)

Mr. John Davey Weekes, a solicitor, was indicted for an assault upon George Collins, jun. He surrendered, and pleaded guilty.

The prosecutor lived at 8, Smith-street, Pancras-road, and was put in possession of a house, 3, Penton-place. The defendant went there, saying he wanted to look over it, to see if it would suit a friend, but really it seemed for the purpose of ejecting the prosecutor and getting possession. He asked the prosecutor to fetch some beer, but he refused to do so, and the defendant pushed him out of the house. This was the assault charged in the indictment.

By arrangement, the defendant entered into his own recognisances of £100, to appear for judgment if called upon.

LAW RIFLE CORPS.

A meeting was held yesterday afternoon at the Law Institution, J. J. Glennie, Esq., in the chair, for the purpose of taking into consideration the best means of forming a rifle corps, to consist of solicitors, their clerks, and other gentlemen connected with the profession.

The Chairman, in opening the proceedings, said, it was eminently desirable that in order to form an efficient rifle corps they should obtain a good knowledge of assault and battery, and as he considered their position was that of the defensive, he thought that gentlemen would only be doing their duty to their country by uniting together to defend our wooden walls. Rifle corps had been established all over the country, and he saw no reason why solicitors as a body should not have theirs. He therefore begged to move

"That it is expedient that a rifle corps should be formed, to consist of solicitors, their clerks, and other gentlemen connected with the profession."

Mr. Barron, in seconding the resolution, said, that since the agitation was first raised as to the necessity of forming rifle corps, he had felt it his duty to take a part, and had resolved upon entering some corps where the discipline, ground for practice, and costume, would be satisfactory, and for that purpose had made inquiries of companies already established, and had visited their grounds, but which, from various causes, he considered objectionable. One great objection to joining a local corps would be the extreme inconvenience the profession would be put to in attending the meetings, which, of course, would not be appointed to meet the wishes of any particular member of its body, whilst, on the other hand, the profession could muster in a body of their own on a Saturday afternoon, and undergo their discipline in earnest. He regretted to say that there was not so much unity of feelingon the subject as he should like to see, but he trusted that when a necessity occurred, that lawyers would not be backward in the defence of their country.

Mr. J. Turner alluded to the position of our navy contrasted with that of foreign powers, and the defenceless state of our coast, and concluded by moving an amendment, which, for want of a seconder, fell to the ground.

Mr. Rose commented at considerable length on the necessity of acting on the defensive, and concluded by urging the utility of all classes forming themselves into corps.

After a few observations from MR. BLUNDELL,

Mr. MOUNT proposed as an amendment to the resolution,—"That this meeting highly approves of the formation of rifle corps, and is of opinion the profession will best assist and give effect to the general movement by joining the particular corps which will afford the readiest and easiest means for drill and practice."

In moving the amendment he felt sure that it would be much more convenient for the profession to attend the nearest local corps. The formation of so many companies, all of which will require a ground to practise on, within a circle of four or five miles of London, would only prove a very dangerous annoyance to one another.

Mr. J. TURNER seconded the amendment, which was carried, and the meeting separated.

THE SWINFEN ESTATE.—It has been supposed that the action against Lord Chelmsford was the closing scene in the Swinfen estate litigation; but it appears that two other actions stand for trial at the ensuing Stafford assizes, in which Mrs. Swinfen is the plaintiff, and two of the late farmers on the estate are defendants. We understand that the farmers, up to the time of the compromise at Stafford, had duly paid their rents to Mrs. Swinfen, but afterwards attorned to Captain Swinfen, believing him to have become, by virtue of the compromise, the owner of the estate, and they disregarded the notices to quit with which they were immediately served by Mrs. Swinfen. She now seeks to recover two years' double rent of the farms for overholding them. The tenants have paid the single rent into court, and the extra rent claimed amounts to about £2,200. It may be mentioned that the tenants gave up their farms and tendered their rents to Mrs. Swinfen shortly after the final decision in her favour. The *Birmingham Journal* says that, "the actions for double rents against the late tenants, we understand, will not be tried at the assizes, as was anticipated. A statement of the facts on both sides has been agreed upon and signed by the respective solicitors, and the liability of the tenants, in point of law, will, we are informed, be referred to the Court of Exchequer. By this means the expense of the trials at the assizes will be entirely avoided."

ROBING OF COUNTY COURT ADVOCATES.—The judge of the Stafford district of county courts has addressed the following circular to his registrars, on the subject of professional costume:—

Highfield, Barlaston, 10th June, 1859.

DEAR SIR,—The great and increasing business and importance of the county courts, especially in this populous district, make their character and efficiency of moment; and you all connected with them, as well as I, are much interested in upholding that efficiency, and elevating their character before the public.

Long experience has proved the advantage to the bar, the bench, and even the dignity of justice, of a professional costume in the courts at Westminster, and at the assizes, &c.

In many county court circuits a professional dress is worn by the registrars and the advocates, as well as by the judge. In my opinion, that practice is wise and advantageous to those who act in these courts, and I wish it to be adopted on the circuit to which I have recently had the honour of being appointed judge. I should not propose it if I were not certain that it will prove to the advantage of the advocates, whose interest it is (more especially on a circuit like this, where barristers seldom appear) to have, as far as may be, the character of a circuit bar.

I therefore appoint and request, and all concerned will be so good as to take notice, that, from the first day of August next, the proper professional dress in my courts will be—for the registrars, the usual gown, with white neckcloth and bands; and for the advocates, the same dress, without bands.

I do not propose to make an order of court on this subject at present, not wishing to be arbitrary, and fully trusting to the good feeling of those concerned to comply with my request.

I gladly avail myself of this opportunity to express to the registrars and officers of my courts, and to the gentlemen who practise as advocates in them, my hearty thanks for the kind welcome and assistance they have all, without exception, afforded me from the commencement of my judicial duties, and my hope and confidence that the good feeling now existing throughout the courts will not only continue to make their labours agreeable to myself, but will increase the advantages they afford to the public.—I have the honour to be, Gentlemen, yours truly,

WALTER D. RIDDELL,
Judge of County Courts—Circuit, No. 26.

The case of *Beamish* v. *Beamish*, in which it was decided some two years since, by the Irish courts of law, that a clergyman might marry himself, is before the House of Lords on a writ of error. The point will now have its final decision.

THE RUSSIAN SECRET POLICE IN LONDON.—We are informed on a most trustworthy authority that the chief of the Secret Russian Police, M. Timaschell, director of what in Russia is called the "third section" of the Czar's private Chancellerie, has arrived in London, after having spent some weeks in secret at Paris.—*Morning Advertiser*.

Notes on Recent Decisions in Chancery.

(By MARTIN WARE, Esq., *Barrister-at-Law*.)

PRACTICE—DISCLAIMER—CO-DEFENDANTS.

Jolly v. *Arbuthnot*, 7 W. R., L. C., 532.

More than one point was decided in this case; but that to which we wish now to call attention is one which involves a question of pleading and practice in Chancery. The bill was filed by a mortgagee against the assignees of the bankrupt mortgagor, and the official liquidators of the London and Eastern Bank, to ascertain the rights of the parties to a certain sum of £3,500. The London and Eastern Bank put in an absolute disclaimer. When, however, the cause came to a hearing, they claimed an inquiry against their co-defendants. The Master of the Rolls, and the Lord Chancellor, on appeal, decided that they had no such right. If a defendant disclaims absolutely, the Court may decide in favour of a co-defendant, although possibly there might be a fair question between him and the disclaiming defendant. If, therefore, a defendant wishes to avoid a decision of the case, as between himself and the co-defendant, he should put in a qualified disclaimer confining it to the claims of the plaintiff, and expressly reserving his rights as against his co-defendants.

JUDGMENT CREDITOR.—INJUNCTION.

Yescombe v. *Landor*, 7 W. R., M. R., 534.

The Statute of 1 & 2 Vict. c. 110, s. 13, after making judgments a direct charge on real estate, provides that no judgment creditor shall be entitled to proceed in equity to obtain the benefit of his charge, till the expiration of a year from the time of entering up the judgment. The 14th sect. gives judgment creditors the power of obtaining a charging order against stock or shares, and provides that no proceedings shall be taken to obtain the benefit of such charge till the expiration of six months from the date of the order.

On this latter section it has been decided in *Watts* v. *Jefferies*, 3 M. & G. 372, that the clause postponing the power of taking proceedings under a charging order for six months does not prevent a judgment creditor from obtaining a stop order to restrain the debtor from receiving the dividends before the expiration of that time. In the present case, a judgment creditor moved for an injunction to restrain his debtor from receiving the rents of real estate in which he had an equitable life estate, before the expiration of a year from the date of the judgment. The defendant attempted to draw a distinction between real estate and stock, but the Master of the Rolls granted the injunction, deciding that the judgment creditor was entitled to have the rents impounded, until he was in a position to institute proceedings to obtain the benefit of his charge.

SPECIFIC PERFORMANCE.—INADEQUATE PRICE.—CHATTEL.

Falcke v. *Gray*, 7 W. R., V. C. K., 535.

This was a suit for specific performance of a purchase of two valuable China jars, which had been sold by a lady to the plaintiff, at what appears to have been acknowledged by all parties to be an inadequate price, and then resold by the lady to another purchaser. The second purchaser had got possession of them, and the plaintiff filed a bill for specific performance of the contract, and for delivery of the jars. There is nothing new in the Court of Chancery enforcing specific performance of a chattel, provided it is one of a special nature or peculiar value. This is, however, rather a strong case, because the defendants, the second purchasers of the jars, were dealers in china, who only bought to sell again. The jars must, therefore, be considered to have been still in the market, and the question must have eventually come to one of pecuniary damages. The main question, however, which deserves notice in the case, related to the right of the plaintiff to relief, when, according to his own admission, he knew that he was purchasing at an under-value. There was, however, no evidence of any fraud or misrepresentation on his part, or that he pressed the owner to sell them. The Court held that it was one of those cases in which it would have refused to set aside the original contract at the suit of the vendor; but, on the other hand, would not enforce specific performance, but would leave the plaintiff to his remedy at law. This is in accordance with what Lord Thurlow said, that if a man contracted with another to purchase his estate at a certain price, knowing of a valuable mine upon it, of which the vendor was ignorant; yet, as the Court of Chancery was not a court of honour, it would not set aside the contract; but, on the other hand, would refuse specific performance a very wide distinction.

MARRIAGE WITH DECEASED WIFE'S SISTER—ALIEN NATURALISED IN ENGLAND.

In the Goods of Bernhard Metz, 7 W. R. 548.
(Court of Probate).

It will be remembered that, in the case of *Brook* v. *Brook* (3 Sm. & G. 481, S.C. 6 W. R. 110), it was decided by Vice-Chancellor Stuart, assisted by Mr. Justice Cresswell, that, since the 5 & 6 Will. 4, c. 5, a marriage between an English widower and his deceased wife's sister, celebrated during a temporary residence in Denmark, was absolutely void, although such a marriage would have been lawful according to the law of Denmark between two Danish subjects. This decision has never been reversed, and must be considered settled law. The present case carries the same principle somewhat farther, and decides that the same consequences will follow if either of the parties be an alien by birth, but naturalised and domiciled in England at the time of the marriage. The deceased was a native of Hesse-Cassel, married in England in 1835, obtained letters of naturalisation in 1836, and remained domiciled in England till his death. He made a will, in 1841, in favour of his first wife and her children. His first wife died in 1844, leaving five children. The deceased went to Frankfort in 1846, and there married the sister, by the half-blood, of his deceased wife, a native of Frankfort, in which country such a marriage is lawful. Soon after this marriage he returned to England, where he died. The question was, whether the first will was revoked by the second marriage. Sir C. Cresswell decided that the second marriage being void, the will was not revoked. The points deducible from the decision are as follow:—Such a marriage is void though only one of the contracting parties be incapacitated, and although the relationship between the two sisters be only of the half blood. An alien who is domiciled in this country, and has been naturalised here, is on the same footing as a natural born subject, and such a marriage is void for all purposes, so as not to have the effect of revoking a will under the 18th section of the 1 Vict. c. 26.

Notes on Recent Cases at Common Law.

(By JAMES STEPHEN, Esq., *Barrister-at-Law, Editor of "Lush's Common Law Practice," &c., &c.*)

LAW OF BANKRUPTCY—PROTECTION DURING PERIOD OF SURRENDER.

Phillips v. *Naylor*, 7 W. R., Exch. C., 504.

The plaintiff in this case (which was an action for false imprisonment), was a bankrupt who had obtained an order for protection to complete his examination, under 12 & 13 Vict. c. 106, s. 112. This section provides that if a bankrupt be not in prison (which in the present case he was not), he shall be "free from arrest or imprisonment" by any "creditor" in coming to surrender and after his surrender, during all the time limited for it, and for such further time as shall be allowed by the Court and endorsed on the summons to surrender. At the time of bankruptcy, the plaintiff owed two poor's rates, and had been assessed to a third, which, however, was not allowed or published till after the bankruptcy. During the continuance of the order of protection, the bankrupt was summoned before the magistrates for not paying the three rates above mentioned; and, not appearing, a distress warrant issued; and, this proving ineffectual, he was ultimately taken to prison and there detained. Under these circumstances the plaintiff commenced an action against the overseers, by whom the warrant of arrest had been delivered to the constables; and at the trial the verdict was entered for him, with leave, however, reserved to the defendants to move to enter the verdict for them. The Court of Exchequer, after argument (see 3 H. & N. 14), accordingly ordered the verdict to be so entered, as they held that under the circumstances the plaintiff was not in a position to maintain an action. They remarked that not having at the time he was summoned before the justices obtained his certificate, he was as liable to pay the rates as before his adjudication of bankruptcy; and that all the defendants then did was, without any malicious intention, to put the machinery of the law in motion, and allow it to take its ordinary course. Moreover, the Act protects only against the "creditors" of a bankrupt summoned to surrender, using that term in the ordinary acceptation; according to which, the overseers—being public officers, and acting for the public benefit—could not be considered as coming. This judgment has now been affirmed in the Exchequer Chamber.

LANDLORD AND TENANT—FORFEITURE, WAIVER OF.

Price v. *Worwood*, 7 W. R., Exch., 506.

In this case more than one question upon the law of landlord and tenant arose for the consideration of the Court. The action was in ejectment brought by the landlord against his tenant, under a clause in the lease, giving him the right of re-entry in case of non-payment of rent; and also upon breach of covenant to insure and keep insured the premises demised. In order to enable the plaintiff to recover in respect of the breach of covenant to pay rent, it was, however, necessary for him to show (in accordance with the Common Law Procedure Act, 1852, s. 210), that on a certain day, not only half a year's rent was in arrear, but that no sufficient distress was to be found on the demised premises. But the only evidence with regard to this produced at the trial, established a search on the ground floor but not in the upper rooms; and this the Court unanimously held to be insufficient even to go to the jury on. As to the breach by reason of non-insurance, however, their opinion was in favour of the landlord. Here the question turned partly upon the effect of an admission made by the tenant before action brought, that he had not up to the time of such admission (about a month before action brought) insured, owing to want of funds. This the Court thought supplied evidence, on which the jury might be asked whether the breach was of a continuing nature. A question also arose as to the effect of the plaintiff having received part of the rent due to him through the hands of an under tenant of the defendant of the demised premises. Such a receipt of rent the Court inclined to consider to be under the particular circumstances of the case before them no waiver of the forfeiture previously incurred; but as they were able to give judgment for the plaintiff on other grounds, they declined to commit themselves to any positive opinion with regard to this one. It may be observed that it is laid down in the books, that the receipt of rent in order to operate as a waiver of the forfeiture, must be a receipt of rent becoming due on a day after the forfeiture was incurred; and that the mere receipt of rent due before the forfeiture is of no consequence, as an entry for a condition broken does not affect the right to receive payment of a pre existing debt. It would seem, however, to be immaterial whether the rent received be accepted from the lessee himself or from an under tenant, or from a stranger. The test is whether the rent accepted accrued after or before the forfeiture (See Woodfall's "Landlord and Tenant," bk. i., chap. vii. s. 5.)

STATUTE OF LIMITATIONS—ACKNOWLEDGMENT OF DEBT.

Francis v. *Hawksley*, 7 W. R., Q. B., 509.

The case of *Goate* v. *Goate* (1 H. & N. 29) is a recent and useful decision, elucidatory of the principle on which alleged "acknowledgments in writing" of debts otherwise barred by the Statute of Limitations are construed by the Courts. In this case, the defendant being sued by an executor for money due to his testator, pleaded the Statute of Limitations; to rebut which the plaintiff produced a memorandum, signed by the defendant after the testator's death, acknowledging to the plaintiff as executor, that there was a balance due to the estate, but in such terms as to show that neither the defendant nor the testator himself intended the debt acknowledged ever to be paid. This species of acknowledgment was held by the Court, in *Goate* v. *Goate*, not to be such as was intended by Lord Tenterden's Act to revive a debt otherwise barred; and it was on the principle thus established that the present case also was decided. Here the acknowledgment relied on by the plaintiff as taking the debt out of the operation of the statute, though it acknowledged, betrayed no intention, far less amounted to a promise, to discharge the debt; and accordingly the Court held the debt to be barred, notwithstanding it had been given. (See "Chitty on Contracts," by Russell, p. 719.)

ATTACHMENT OF DEBTS OWED TO EXECUTION DEBTOR—17 & 18 VICT. c. 125, s. 61.

Miller v. *Mynn*, 7 W. R., Q. B., 524.

This case turned upon the proper construction of the provisions in the Common Law Procedure Act, 1854, by which a judgment creditor is enabled to attach to his own use the debts owing from third parties to the judgment debtor. In the present case, the judgment had been recovered against *three* defendants sued together in a single action; and the question was, whether, under the above provisions, certain debts owing to two only of the judgment debtors might be attached. It was admitted that, on a judgment against two or more, the goods of one or more of them might be taken. The Court held that

the same principle governed both cases. Lord Campbell said that the object of the new law was to permit debts, like chattels, to be taken in execution to satisfy a judgment—the proceedings given therein bearing, indeed, a close analogy to the writ of fi. fa.

Parliament and Legislation.

HOUSE OF LORDS.

Monday, July 18.

CONSOLIDATION OF THE STATUTE LAW.

Lord CRANWORTH called attention to the fourth report of the Commissioners for Consolidating the Statute Law. He proceeded to say that the entire body of that law was now printed in eighteen octavo volumes, which contained the statutes of a date previous to the union with Ireland, and twenty-three and a-half—in all forty-one and a-half—volumes, in which the statutes which had been subsequently passed were embraced. In dealing with that large mass of laws, the first question which the commission which had been appointed to consider the subject had taken into their consideration was, what portion of those statutes it would be in reality a useful labour to attempt to consolidate; and they thought that they ought to confine their attention to those statutes which comprised what he might call the permanent rules of civil conduct. It was felt necessary that a register should be drawn up of all the statutes bearing on this subject, and one had accordingly been made with extreme accuracy, and was now upon the table of the House. It sometimes happened that curious mistakes arose for want of knowing what statutes had, in process of time, been repealed. In 1842 a case came before the Queen's Bench as to the jurisdiction of a coroner, and was argued on the question whether a statute of Edward VI. did or did not apply to the case. The Court of Queen's Bench decided that it did not—fortunately, as it happened, for, as the register would have shown, that statute of Edward VI. was repealed in the reign of George IV., so that the whole argument was thrown away. It was not only in courts of justice, too, that these accidents happened, for in the Act for abolishing the property qualification, passed last year, three statutes were repealed, all of which had been already repealed by prior enactments. The register only comprised the statutes passed since the union with Ireland, and for practical purposes of consolidation this would be pretty much all that was necessary. Since the union, up to the end of 1858, 6,887 statutes had been passed, occupying altogether twenty-four quarto volumes, and little more than one-fourth of the whole, in all 1,836 statutes, came within the class of the permanent rules of civil conduct. Of these, too, a great many had been in part repealed. Having got this register, the secretary was directed to divide the 1,836 statutes into the heads under which they might be consolidated, and he had accordingly classed them under 173 different heads. Of course, this did not mean that they could be consolidated into 173 statutes, because these heads often included enactments relating to the same subjects, but to different parts of the United Kingdom. On the other hand, it might be possible on further examination to reduce somewhat the number of heads; and, upon the whole, the commissioners came to the conclusion that the statute law regulating the conduct of her Majesty's subjects in the United Kingdom, might be comprised in 300 or 400 statutes, occupying, probably, from three to four volumes. He proposed to ask their Lordships to give a first reading to five Bills which had been prepared as samples of the mode in which the work of consolidation should be carried on. With respect to bulk, the five Bills, which he asked their Lordships to read a first time, only occupied one-half the space of the statutes which they displaced. The next question was, whether any efficient method could be suggested for finishing the work? It appeared to the commissioners that, having laid a foundation, and pointed out what remained to be done, and how it should be done, the best plan would be to place the whole subject under the supervision of some eminent gentleman, who should abandon his private practice, and, with draughtsmen under him, complete the task which the commissioners had begun.

The LORD CHANCELLOR bore willing testimony to the zeal and ability which his noble and learned friend had exhibited as a member of the Statute Law Commission. It was not likely that a long series of statutes could ever be read a first and second time, discussed, clause by clause, in committee, and then read a third time in that or the other House. The only plan was, that the Bills proposed should be so elaborate and complete that Parliament might place entire confidence in them. The register, to which his noble and learned friend had referred, was most valuable with that view; but it did not go further back than the union between England and Ireland, and would be incomplete until it went back to Magna Charta. It would be much better to have a staff of lawyers devoted to the work of consolidation than to continue the commission. It was to the labours of such responsible men that their Lordships must look for the result which they so earnestly desired. He might advert to certain measures which the Government had now in contemplation. The first was a Bill on the subject of bankruptcy, which the Government would feel it their duty to propose to Parliament at the commencement of another session. Another great object which they had in view was, the improvement of the transfer of real property. He was not so sanguine as to believe that a landed estate could ever be conveyed so easily as Three per Cent. Consols; but he was convinced that the transfer of landed property was capable of great improvement, that it might be rendered much more simple, economical, and, in every respect, more satisfactory than at present; and a Bill for that purpose was in preparation by his hon. and learned friend, Sir R. Bethell, who would introduce it in the other House at the beginning of another session. His noble and learned friend, Lord Lyndhurst, had moved for a commission on the mode of taking evidence in courts of equity. That commission would be immediately issued. The Government had another improvement in contemplation, to consolidate and simplify the orders of the Lord Chancellors, in comparison with which the statute-book was simplicity itself. There ought also to be an assimilation of practice n the common law and equity courts. It was desirable that one court should decide one case, and that the suitors should not be bandied about between the law and equity courts, causing enormous expense and anxiety.

Thursday, July 21.

DIVORCE COURT BILL.

The LORD CHANCELLOR, in moving the second reading of this Bill, said, he believed that that Court had worked most beneficially. Some amendments had, however, become necessary, in order to the better regulation of the Court. In the first place, the judicial strength of the Court was not competent to try the cases that were brought before it. He had had the honour to sit several times in this court, and he could assure their Lordships that the great majority of cases were not of recent origin, some of them extending as far back as fifteen years, when no remedy could be obtained. They could not yet say what would be the amount of steady business in the court. As the Court was originally constituted there were only seven judges; but he proposed that all the puisne judges should act, which would raise the number to sixteen. Various valuable suggestions had been made by noble and learned friends of his which referred rather to matter of procedure than of law, and he was of opinion that all these subjects would be better left to be dealt with at the discretion of the judges by means of rules and regulations than by statutory enactment. Among these was the recommendation that the petition for a dissolution of marriage should contain a detailed statement of all that had taken place from the union of the parties to the time of its presentation. One clause had been introduced for the sake of public virtue. In Scotland, in France, and he believed in all other countries, tribunals similar to this had power to sit with closed doors. He understood that his right hon. friend, the Judge Ordinary, was of opinion that he had no power to do so without the consent of the parties. He had, therefore, inserted in this Bill a clause providing that, whenever the Court thought that the claims of decency required it, it might sit with closed doors. At present the Court could not, subsequent to granting a decree of separation, make any order as to the custody or the management of the children. He, therefore, proposed in this Bill to give the Court power, from time to time, to make any order with respect to the management of the children. The only other enactment was the result of the suggestion made by his noble and learned friend, Lord Brougham, that, in order to avoid the danger of collusion, the Court should have power to call in the assistance of the Attorney-General to represent the public. In accordance with that recommendation, he sought to provide by this Bill that the Attorney-General should be served with a notice of every petition.

Lord REDESDALE was of opinion that the business of the Court should be carried on in the most public manner. His Lordship said that their Lordships had by this Court been relieved from

the disagreeable duty of dealing with the divorce cases in England, and there was no reason why they should not also be relieved from the cases of divorce that came from Ireland. If it was not expedient to establish a Divorce Court in Ireland, why should not this Court, instead of their Lordships, deal with the Irish cases of divorce?

After some discussion,

The LORD CHANCELLOR, in reply, commented on some of the suggestions which had been made in the course of the discussion, and concluded by expressing his readiness to pay all the attention in his power to any amendments which might be submitted to his notice before the Bill was committed.

The Bill was then read a second time.

ATTORNEYS AND SOLICITORS BILL.

The report of amendments in this Bill was then brought up and agreed to.

HOUSE OF COMMONS.

Friday, July 15.

REGISTRATION OF LAND (IRELAND).

Mr. SCULLY, adverting to the plan for facilitating the free transfer of land submitted by him to the House in May, 1853, which plan was in substance recommended for adoption in 1857, by the report of the Registration Titles Commission, and was still more closely embodied in the two Land Bills of the late Solicitor-General, wished now to ask the Attorney-General whether the present Government intended to introduce any measure to facilitate the transfer of land by means of a proper system for the registration of title; when would such measure be laid before Parliament; and what would be the general nature of its provisions?

The ATTORNEY-GENERAL said, the report of the commission was under the consideration of the Government, together with the very valuable schemes brought in by the late Solicitor-General. A measure would shortly be prepared and submitted to Parliament, but it was impossible at present to state the details, except that its object would be to give effect to the proposition for a registration of titles, and to carry into effect the commissioners' recommendations.

BANKRUPTCY AND INSOLVENCY ACT AMENDMENT (IRELAND) BILL.

Mr. FITZGERALD obtained leave to bring in a Bill to amend the Irish Bankruptcy and Insolvency Act (1857), which was subsequently read a first time.

RAILWAY COMPANIES ARBITRATION.

A Bill for the better providing for the settlement of matters in which railway companies in the United Kingdom are mutually interested, has just been brought in by Colonel Wilson Patten and Mr. Deedes. It enables railway companies to refer matters for arbitration before one or two arbitrators agreed to by the contending companies, or ordered by the Board of Trade, with power to order the production of books and the examination of witnesses on oath. The award or awards made in due time will bind all parties concerned, and will have effect notwithstanding any informality in their composition. The submission to arbitration to be made a rule of court.

Tuesday, July 19.

MUNICIPAL CORPORATIONS BILL.

This Bill was read a second time.

WEST RIDING ASSIZES.

In reply to Mr. W. LEATHAM,

Sir G. C. LEWIS was not aware that the judges had made any formal report on the subject of the West Riding Assizes, but from a document he had found in the Home-office it appeared that the judges had given to his predecessor in office their opinion that with respect to the expediency of holding the assizes for the West Riding at Leeds, they agreed in the unanimous judgment of the commissioners appointed by her Majesty to consider the question that it would not be expedient with a view to the administration of justice.

BARRISTERS AND SOLICITORS (IRELAND).

Mr. M'MAHON, in moving for leave to introduce a Bill to amend certain laws and statutes relating to the admission of barristers and solicitors to practise in Ireland, said, one of the objects of the Bill was to repeal a statute of Henry VIII., which rendered it necessary for students going to the bar in Ireland to attend a certain number of terms in one of the Inns of Court in England. Some of the most eminent lawyers in Ireland were in favour of that repeal. Another object of the Bill was to enable the benchers of King's Inn, Dublin, to admit students to the Irish bar on the same terms as students were admitted to the English bar. For the last 20 years the benchers in England had admitted students to the bar, whether they were graduates or not; but in Ireland a student could not be called to the bar in less than five years after his name had been entered in the books, unless he was a graduate of a university. The hon. and learned gentleman concluded by moving for leave to bring in the Bill.

Mr. BRADY having seconded the motion,

Mr. WHITESIDE objected to the introduction of the Bill. The session was near its close, and he recommended the hon. and learned gentleman to reserve the subject till the House met in cooler weather in February next.

After a few words from Mr. Malins against, and from Mr. Deasy in favour of the introduction of the Bill,

The House divided, when there appeared:—

Ayes	179
Noes	123
Majority for bringing in the Bill .	—56

Wednesday, July 20.

IMPRISONMENT FOR SMALL DEBTS BILL.

This Bill was read a second time.

CRIMINAL PROCEDURE BILL.

Mr. WHITESIDE, in moving the second reading of this Bill, which was the first of a series of ten relating to the amendment of the criminal law which stood on the paper in his name, said, he was extremely desirous to learn the views of the Government upon the subject. In the 7th clause of the Bill, immediately under the notice of the House, provision was made that a person punished under the Act should not, by reason of his conviction, be subjected to any corruption of blood, or any forfeiture of his lands or goods. Another important principle which was involved in one of the series of Bills which stood in his name, was the expediency of abolishing the punishment of death in those eight or ten instances in which it was now inflicted for offences which did not come within the definition of murder or treason.

The ATTORNEY-GENERAL said, a great many attempts had been made to consolidate the criminal law, and it was, he was ready to admit, high time that the question should be taken up, and taken up too by the Government of the day, who should be made responsible for dealing with it in a satisfactory manner. It would, undoubtedly, therefore, be his duty—and he believed he had the sanction of the Government for saying so—to endeavour, in conjunction with his hon. and learned friend, the Solicitor-General, to discharge through the medium of the Government the important task of bringing the statute law of the country into a shape and form befitting this great empire. With respect to the question of the corruption of blood to which the right hon. gentleman alluded, he could only say that he was disposed to regard its present position as the result of feudal times, and as not now necessary to the efficient administration of justice. He also concurred with the right hon. gentleman in the general principle of its being desirable that the punishment of death should be dispensed with as far as possible, but in making that statement he must not be understood as pledging the Government to the adoption of any particular course.

After a few observations from Mr. WHITESIDE, the Bill was withdrawn, as were also the remaining Bills bearing upon analogous subjects which stood on the paper in his name.

JUDGMENTS (IRELAND) BILL.

This Bill was read a second time, it being agreed that the discussion on its principle should be postponed until the motion for its committal was made.

Thursday, July 21.

CRIMINAL JUSTICE MIDDLESEX (ASSISTANT-JUDGE) BILL.

This Bill was read a third time, and passed.

ECCLESIASTICAL COMMISSIONS BILL.

After some conversation, this Bill was read a second time.

BANKRUPTCY AND INSOLVENCY (IRELAND) BILL.

This Bill passed through committee.

ELECTION PETITIONS.

The following is a list of Election Petitions, 1859 (Sess. 2), in the order in which select committees thereon will be ad-

pointed by the General Committee of Elections during the present session:—

Election Petitions		Select Committee to be chosen.
1. Ashburton	B. Soady and T. Finsent	From Panel No. 1, Thursday, July 21.
2. Wakefield	S. R. Green and W. Tuting	
3. Huddersfield	T. P. Quosland and J. Heigh	Panel No. 1, Friday, July 22.
4. Gloucester	Thos. Lycett and J. Haines	
5. Dartmouth	Sir T. Herbert, K.C.B.	
6. Aylesbury	T. F. C. V. Wentworth	
Ditto	G. De Frene and W. Hobler	
Ditto	T. F. C. V. Wentworth	
Ditto	S. G. Smith, jun.	
Ditto	R. H. Simms and others	
7. Maidstone	W. Russell and Joseph Sawer	
8. Norwich	J. Wright and others	Panel No. 2, Tuesday, July 26.
9. Bury	James Park and T. Horrocks	
10. Leicestershire, N.	Rev. W. A. Cave Browne Cave	
11. Limerick	James Spaight	Panel No. 2, Wednesday, July 27.
12. Cheltenham	J. Knatchbull and J. H. Morgan	
13. Kidderminster	J. Ayres and others	
14. Bridgewater	H. C. Heard and R. Bond	
15. Kingston-on-Hull	W. Jones and R. Mitchell	Panel No. 3, Monday, August 1.
Ditto	J. Beeton and R. Scott	
16. Frome	Donald Nicoll	
17. Preston	J. Carr and others	
Ditto	J. Hawkins and others	
18. New Windsor	W. H. Banks and H. Thompson	
19. Beverley	W. D. T. Duesbury and C. Reynard	
Ditto	E. A. Glover	Panel No. 3, Tuesday, August 2.
Ditto	John Nutchey and others	
Ditto	C. R. Empson and R. Southwick	
20. Merionethshire	O. Richards and H. R. Pugh	
21. West Kent	C. W. Martin and J. Whatman	

In all probability Parliament will be prorogued too soon to allow the following election cases to be tried during the present session:—

22. Weymouth and Melcombe Regis	Joseph Slade and others	
Ditto	Robert James Roy Campbell	
Ditto	Colonel William Lockyer Freestun	
23. Carlisle	J. Park Arthur and J. Graham	
24. Barnstaple	Sir W. Augustus Fraser, Bart.	
Ditto	Sir W. Augustus Fraser, Bart.	
25. Roscommon	Denis O'Conor and R. Graham	
26. Great Yarmouth	Joseph Bayly and R. Pilgrim	
27. Newry	R. Dempster and T. Cardwell	
28. King's County	D. Hume and John F. Cassidy	
29. Chatham	George Wilstead and G. Pattison	
30. Dover	Sir William Russell, Bart.	
31. Bedford	W. Butten and John Barnicot	
32. Clare	H. Cary and T. Harris Carroll	
Ditto	H. Cary and T. Harris Carroll	
33. Dundalk	P. Dunsdall and M. M. Graham	
34. Clare	Nicholas Butler and J. Barrymore Macnamara	
35. Lyme Regis	J. G. S. M. Moore and G. N. Shore	
36. Peterborough	William Vergette and others	
Ditto	T. Scoley and H. Freeman	
37. Athlone	(Bank receipt) R. P. Bayley	
Ditto	James William Fair	
Ditto	Lawrence Kelly and T. Gill	
38. Norwich	Josiah Fletcher and others	

Reports on the recognisances to the following election petitions have not as yet been made:—

Norwich	John Godwin Johnson and Roger Kerrison
Ditto	Philip Pack and Gardiner Christopher Stevens

July 21.

PRIVATE BILLS.—On the motion of Lord REDESDALE, no private Bills brought from the House of Commons will be read a second time after the 2nd of August, or any Bill confirming provisional orders, but that when a Bill shall have passed the House with amendments, these orders shall not apply to any new Bill sent up from the House of Commons which the chairman of committees shall report to the House is substantially the same as the Bill so amended.

THE LANDS IMPROVEMENT COMPANY BILL.—The select committee appointed by the House of Lords to consider this Bill have reported as follows:—"The committee concur with the 'Select Committee on the Powers vested in Companies for the Improvement of Land,' appointed in 1855, in thinking that it is desirable that a general Act should be passed without delay for determining under what provisions landowners of limited and settled estates should be permitted to obtain advances of money for their improvement from the before-mentioned companies, or from other sources, particularly insuring the redemption of the charges to be created within a term not exceeding twenty-five years for any species of improvement, and preventing any charge upon the estate of the reversioner without the order of the Inclosure Commissioners.

"The committee are so deeply sensible of the importance of passing such an Act at the earliest possible time, that, whilst they recommend the passing in the present session of this Bill that has been referred to them, on the ground that Parliament ought not to withhold from the Lands Improvement Company powers that it has already conferred on companies incorporated for similar purposes, they must express their strong hopes that the enactment of a general law on the subject will not be retarded thereby.

THE CHARING-CROSS RAILWAY.—The important Lords committee on this Bill again met on the 14th inst. The chairman said the committee considered that this line of railway would be of great public advantage. They were not aware that there could be any line that would be more preferable to it, as none had been presented to them. They considered that St. Thomas's Hospital would be damaged thereby, and that the north wing ought to be removed. They further declared the preamble of the Bill to be proved. As soon as the result was made known there were demonstrations of applause. The clauses were gone through, and the Bill was ordered to be reported to the House.

STANDING ORDERS.—On the motion of Mr. MASSEY the following resolutions were agreed to on Tuesday:

"1. That Standing Orders Nos. 172, 179, 180, 208, 211, and 212, be suspended for the remainder of the session.

"2. That all private Bills, already reported to the House, be considered to-morrow, provided printed copies of the Bills, as amended, be deposited with the doorkeepers, for the use of members, on or before this day.

"3. That every private Bill, not already reported to the House, be considered on the second sitting day of the House next after such Bill is reported, provided that printed copies of the Bill, as amended, be deposited with the doorkeepers, for use of members, on the day after such Bill shall have been reported.

"4. That every private Bill stand for third reading on the next sitting day of the House after the day on which the Bill shall have been considered:—When it is intended to bring up any clause, or to propose any amendment, on the consideration of any private Bill ordered to lie upon the table, or any verbal amendment on the third reading of any private Bill, notice shall be given thereof in the Private Bill Office on the day previous to such consideration or third reading."

PUBLIC GENERAL ACTS.—Two blue-books, almost too ponderous to be lifted this hot weather, were issued on Monday at the expense of the public. These are volumes one and two of the "Register of Public General Acts," from the 41st of Geo. 3 (U. K.) to 21 & 22 Vict. inclusive with explanatory reports. The objects of the register are to show what Acts have ceased to be in operation, and how they have so ceased, to classify the Acts actually in operation agreeably to the views embodied in the report of the Statute Law Commission; and, lastly, to show, in connexion with each Act, the previous Acts which it expressly affects, and the subsequent Acts by which it is expressly affected. The register would afford much assistance in the great work of consolidating the statutes at large. These blue-books were ordered by the House of Lords on the motion of the ex-Lord Chancellor, Lord Cranworth.

THE PROROGATION OF PARLIAMENT.—At present there is no day mentioned as the period when Parliament is likely to be prorogued. There was a vague rumour in the official world that Ministers calculated on getting through all their business by the 20th of August. Since the sudden termination of the war, a much greater degree of alacrity has been manifested in most of the public departments, and now an earlier day for prorogation is anticipated.—*Court Journal.*

FUNERAL OF LANDRU, THE FRENCH ADVOCATE.—At the funeral ceremony of Landru, advocate, the whole of the Paris bar was present, and the most eloquent discourses were pronounced over the tomb. Landru was a child of the people who rose by his own merit to fame and distinction as an advocate, and in 1848 was elected a representative of the national Assembly.

The Provinces.

DEVIZES.—*Absence of Crime.*—The quarter session for this borough was held on Saturday, but, for the seventh time in succession, there was not a single case for trial.

KNARESBOROUGH.—*Novel Case of Application for Relief.*—The medical officer for the Harrogate district has applied by letter to the Knaresborough Board of Guardians, through the relieving officer, for five shillings weekly relief, alleging that as the guardians refused to increase his salary, the amount he now received for his services only paid for his lodgings. The application was refused; the Board, however, intimated that if renewed an order would be given for his admission into the workhouse.

LEDBURY.—*The late Murder.*—It will be remembered that the money stolen from the office of Mr. Masefield, when his office-keeper fell a victim, included two £5 notes of the Bank of England. During the preliminary investigation of the case the officers searched diligently for traces of these notes, but without success. A few days ago, however, a further search was made in the bedroom formerly occupied by Jones, the late clerk to Mr. Masefield, who stands committed for trial on the charge of being the thief and murderer, and which has been since untenanted, at the house next to the offices, in the grate of which have been found a quantity of paper ashes. It being known that printed paper retains the marks of the type, even when apparently destroyed by fire, the ashes were carefully unrolled, and placed between pieces of glass. A powerful microscope was obtained, and the officers then discovered traces which, it is stated, assure them that the ashes are the remains of bank notes. It is said to be even possible to trace the initials which have been made on one place, and the stamp of "Webb and Co., Ledbury." It will not, however, be possible, we are informed, to prove that these are the remains of the stolen notes. About a week ago, it was determined to photograph the prisoner, and send copies of the portrait over the country, the authorities hoping to obtain some information of his antecedents. It is affirmed that he was employed about four years ago as attorney's clerk in Burnham, Somersetshire, his native place, and that he paid his addresses to one of two sisters. His employer hearing of his intention to marry, made him a present of a sum of money, and Jones commenced preparations for housekeeping. He is said then to have taken advantage of the girl's affection for him to seduce her, and he is also reported to have made an attempt upon the virtue of the other sister. To avoid the consequences of his conduct he absconded from the town. Jones will be tried on the 2nd or 3rd of August. Already the prosecution have 43 witnesses to examine.

MANCHESTER.—*Novel Mode of Swindling.*—On Saturday a young man named Walter Dyson was placed before the magistrates, charged with obtaining money under false pretences. An advertisement had appeared in the Manchester papers in January last, which said, "The estates of the Chadwicks, Dysons, and Hamiltons, will be paid over to those who have proved their descent in three months from this date, unless some other persons come forward and prove nearer kin. By order of the Independent Land Company. T. Sutcliffe, Esq., secretary, Central Committee-rooms, Manchester, 11th January, 1859." To this advertisement, it appears, a number of persons have answered, sending in claims and proving descent from the three families named, and were induced to enclose sums of 20*s.* and 30*s.* by letter to the supposed secretary. They subsequently received letters informing them that the Independent Land Company would pay over £200 to each of the claimants on the 18th May. When that day arrived some excuse was made for further postponement, and ultimately the police were applied to, when it was found there was no Independent Land Company, and no Mr. Sutcliffe. The police watched the post-office, and ultimately traced a messenger with letters addressed to Mr. Sutcliffe, to the lodgings of the prisoner, and then to the prisoner, who professed to be the clerk of Mr. Sutcliffe, though it was shown that he generally burnt all the letters addressed to Mr. Sutcliffe, after reading them, and pocketed the contents. Evidence was taken in three cases against the prisoner, and he was then remanded.

PRESTON.—*Death of J. Addison, Esq., County Court Judge.*—We have to record the death of Mr. John Addison, County Court Judge, which took place at his residence in Winckley-square, Preston, about nine o'clock on the 14th inst. Mr. Addison first felt unwell in the train when proceeding from Preston to hold his weekly Court at Blackburn, on the previous Monday. After his arrival at Blackburn he became worse, and medical aid was obtained, when he recovered sufficiently to be conveyed home in the evening. On the Tuesday night, Mr. Addison was thought to be progressing favourably, and was considered to be out of danger. Mr. Addison was called to the bar of the Inner Temple on 6th of February, 1818; was a member of the Northern Circuit; and was appointed a County Court Judge in March, 1847, when the county courts were first established. He presided over No. 4 Circuit, which embraces the populous districts of Preston, Lancaster, Blackburn, Chorley, Garstang, Kirkham and Poulton. Mr. Addison was a magistrate for the county of Lancaster, and also for the borough of Preston. He was also recorder for the borough of Clitheroe, which office had been previously held by his father. He has been twice mayor of Preston, once before the passing of the Municipal Reform Bill, in the year when the great Parliamentary contest took place in the borough, and Mr. Henry Hunt was rejected. On that occasion Mr. Addison received a valuable testimonial. Mr. Addison was a most liberal patron to the Lancaster and Clitheroe Grammar Schools, and also to the Preston parish church, which contains a beautiful painted window given by him. His death has thrown a gloom over the whole district.—*Manchester Guardian.*

ROCHDALE.—*Sharp Practice.*—The judge of the County Court (C. Temple, Esq.), on Wednesday, disposed of 423 cases in 415 minutes.—*Leeds Mercury.*

Ireland.

PROFESSIONAL STATUS AND TRAINING.

It so happens that the subject of the claims, status, and education, professional and otherwise, of attorneys and solicitors, is at the present moment attracting a large share of attention both in Ireland and in England. The Incorporated Law Societies, the Law Amendment Societies, and the legal journals, all refer to the question more frequently than they did formerly; and a Bill with an imposing title, to say the least of it, is passing through the Upper House; a Bill which, limited though it be in its scope, is satisfactory as showing that some of the law lords are at last studying the details of a subject, second in importance to few that come before their notice.

While so many minds are more or less engaged upon this topic, it is well that those mainly interested, should be heard on a question undoubtedly of more moment to them than to any one else; and we, therefore, welcome some candid and ably written remarks just published by a member of the profession in Ireland.* The writer commences by referring to the unjust and prejudiced notions entertained by too many of the public,—notions in general founded upon the occasional exposure of some instance of sharp practice or dereliction of duty on the part of an attorney or solicitor, and which is allowed to operate on the public mind most injuriously against the entire class. The outcry and general reprehension which always follows upon such an exposure, is, he considers, the best evidence of the unusual character of the occurrence; indeed, when the number of practitioners is considered, and the amount of business transacted by them, such instances might be expected to occur even more frequently. Then, as between the attorneys of Ireland and those of England, the author observes that a tone of superiority is often assumed by the latter in correspondence, and frequent allusions are made by them to a supposed looseness in the system of transacting business here. These disadvantages he attributes to the well-known absence of any legal education as a qualification for admission in Ireland; and for this great evil, he strongly, and, we think, justifiably, censures the benchers, who, some how or other, have and exercise a control over the admissions, both to articles and to the roll of practitioners; but who have, up to the present day, refused to take any steps for instituting an examination, still less for providing legal education of any kind for attorneys. There is in Ireland no examination whatever, either voluntary or compulsory, for which articled clerks or apprentices can present themselves. Were such an examination instituted, the status of the profession would soon be raised, and its members would be treated with more consideration, both by the public, the bench, and the bar. As to the treatment experienced from the bar, the

* "A Remonstrance on behalf of the Attorneys of Ireland, with a few Suggestions for elevating and strengthening their Position, Social and Professional." By one of the Body. Dublin: T. Connolly. 1859. Pp. [illegible]

author complains of the mode in which counsel, at Nisi Prius and elsewhere, frequently stigmatise the opposing attorneys.

No one can say that the following complaint is unfounded:—

"If the proper feeling of mutual regard and respect existed between the two branches of the profession we should not so often be shocked by the scenes daily witnessed in our Nisi Prius Courts. We have not words to express our indignation, nay more, our abhorrence of the conduct of the man who, finding that neither the law nor the facts are on his side of the question, hopes to gain an advantage by an indiscriminate and headlong attack upon his opposing attorney. The foulest motives, the base desire of gain, malignant feelings, petty revenge, these and every other of an unworthy nature, are ascribed as the springs of action which set him in motion. The barrister ranges, through the whole vocabulary of vituperative epithets, and selecting with liberal hand, showers them unsparingly on his victim's head, and a man who is probably in every respect, in birth, education, and position, the equal, if not the superior of his assailant, is forced to sit by with what composure he may, and behold with calmness, if he can, the laceration of his own character.

"If he rashly presume to interrupt or remonstrate he is promptly reprimanded by the presiding judge, and told, perhaps, that his counsel will have an opportunity of reply, or that counsel is merely making a statement, and has not yet gone beyond the latitude of speech allowed on such occasions.

"We leave the reader to judge of the effect produced by such an harangue upon the persons standing by in court. There will be a reply forsooth! How many persons will leave the court before that reply is uttered, carrying with them fatal impressions of the character of the unfortunate attorney, to reproduce those impressions elsewhere to his eternal injury?—how many, as human nature is ordinarily constituted, will be influenced by the reply to look upon the fair rather than the dark side of the picture? In any event the attacking counsel gains his end of leading away the minds of the jury, for the time at least, from the true subject matter of inquiry.

Then it is truly remarked, that this habit of undervaluing and of often villifying the attorney, to some extent accompanies the barrister, who, in time, becomes a judge; and thus often leads to an exhibition of discourtesy from the bench. Against this a protest is also entered in the following terms:—

"Complaining is an ungracious task, but when just it is a duty—and we think that we discharge that duty, when on behalf of the attorneys of Ireland we ask for greater consideration, greater confidence, and a little more courtesy, from the Irish Bench. In spite of many depressing influences, notwithstanding the total absence of legislative supervision of their professional training and education, the attorneys of Ireland are no common class. Denied the benefits of a proper legal education, they are, nevertheless, skilful, accurate, and astute; taught too often to feel themselves placed many degrees below their brethren of the bar, they are honourable, upright and self-respecting, and the records of the courts at Dublin will tell how often one amongst them has been convicted of dishonourable or unbecoming conduct. What a body constituted of such elements might become under more favourable circumstances and with fairer treatment, we leave the reader to conclude."

Our author, of course, remonstrates against the annual tax; but he says more about it than it deserves. Taxation is very naturally felt to be unpleasant, and when one profession is taxed, and others are exempted, there is a good case to be made in support of some more equitable adjustment. But we cannot see how this annual payment, as alleged by the author, lowers the attorney to the "level of a pawnbroker or auctioneer." When good reasons for abolishing the impost may be urged, there is surely no need to rely on a bad one.

We will not follow the author into a discussion of a difficult question of how far "a cordial and frank good-will," binding together members of the same profession, should operate to prevent one attorney from taking advantage of little oversights, slips in pleading, practice, &c., committed by another. After all, the duty to one's client is, perhaps, the duty primarily to be regarded. If that can be reconciled with friendly feeling towards a brother professional, so much the better; but where the two springs of action are diverse in direction, the client's interests must in general be preferred, so long as they are not permitted to lead to any conduct inconsistent with strict honour and uprightness.

The next point discussed is, the exclusion of attorneys from many public employments, for which they are undeniably fitted. The prospect of being able to fill such employments is justly regarded as an incentive to exertion, and as tending to raise the character and elevate the aspirations of the junior members of the profession. Recent examples, that have given rise to wide-spread dissatisfaction among the attorneys of Ireland—as the appointment of one barrister to be Crown solicitor on the Leinster Circuit, and of another to be Solicitor of Inland Revenue—certainly go far to verify the author's assertion, that, so long as it is a matter of choice to appoint either a barrister or an attorney to any legal office, so long will barristers obtain the preference. The remedy proposed is a statute containing a schedule of certain offices, to be henceforward filled by attorneys only, and the patronage of which office shall for the future be vested in the judges of the superior courts. Against the first part of this proposition there can be no objection; but against the second, it is sufficient to object that it is an impracticable one. The Crown cannot be expected to surrender the right of appointing its own servants, in any department of the public service. It is further proposed to introduce into the next Reform Bill, a clause allowing certain professions to send their own representatives to Parliament. This seems plausible and fair, at first sight, but after all, the best representatives are not those sent in to protect particular interests. Moreover, it happens that all the professions have now representatives in Parliament, and the solicitors are unusually well represented there. Their indirect influence is also very great, and must of necessity remain so, whatever political changes occur. We consider it highly creditable to the attorneys as a profession, that with their unequalled facilities for influencing the promises of both candidates and members, they have used that influence so little to their own advantage. It is not a little singular that with all the elections in their hands, the attorneys should continue, unlike all other professional men, to pay an annual tax, and that with hardly a complaint or an expostulation. Examinations on legal and general subjects prior to articles, does not form a part of the author's plan; perhaps he considers that it requires no argument in its support. As far as Ireland is concerned, all control over this branch of the profession should, if possible, at once be withdrawn from the benchers. They are very lukewarm in their educational endeavours, even as regards the bar, and they are not likely to be more active in the discharge of their self-imposed duties towards the other branch. The only hope is, that the good example set by the London Incorporated Society will have its influence in due time. In the interim, any practitioner who enforces the claims, and vindicates the fame of his calling by a forcible, yet temperate remonstrance, like that before us, pays a considerable instalment of that debt which, as we are told on high authority, every man owes to his profession.

APPOINTMENTS, PROMOTIONS, &c.

The elevation of Mr. Baron Hughes to the bench appears to give universal satisfaction. Congratulatory addresses have been presented to him at Longford, and his promotion is as popular with the public as with his learned brethren.

Mr. Andrews, the chairman of Wexford (second class), declines the East Riding of Cork, vacant by the promotion of Mr. Berwick. It was offered to Sir Colman O'Loghlen, and, of course, refused, as the learned baronet has already a first-class county, and, as he goes the Munster circuit, he is precluded from practising in a county where he presides as chairman.

The Attorney-General has been pleased to appoint Mr. Anthony Keogh supernumerary Crown prosecutor at Trim, on the home circuit.

Four additions were made to the inner bar on Saturday—namely, Mr. John Lealy and Mr. Charles Barry, of the Munster circuit; Mr. Edmund B. Lawless, of the Leinster, and Mr. James Kernan, of the North-east circuit.

Scotland.

Marriage with a Deceased Wife's Sister.—It will be seen from the important case of *Fenton v. Livingstone*, which the House of Lords has just reversed, that the Court of Session had taken an erroneous view of the law of England, previous to 1835, as to the validity of marriages with a deceased wife's sister. The Court of Session held that, previous to Lord Lyndhurst's Act, in 1835, such a marriage was valid in England unless it was by a suit of nullity during the lives of both parties declared void, and this was supposed in England also to be the law. But all the law lords have now held that, before 1835, as well as since, these marriages were

void ab initio, and that the issue in the above case is illegitimate. Moreover, the law lords have discountenanced, if not expressly overruled, the late judgment of Lord Ardmillan (which, however, was not adopted on that point by the Inner House), which held that such marriages are valid in Scotland. The law lords did not require to decide that point, and it had not been decided by the Court of Session, but they all leaned against Lord Ardmillan's view; and now the case is to be remitted to the Court of Session to be solemnly re-argued.

THE GLASGOW TOWN CLERKS.—The *Glasgow Herald* contains the following:—"We had hoped, from what transpired at the late meeting of the Town Council, an arrangement would have been effected on the footing of Mr. Monro's accepting of a salary of £700 per annum, agreeably to the terms of his appointment; but we regret to learn that all hope of an amicable arrangement is now out of the question, and that in consequence of Mr. Monro having officially collected the fees and official emoluments of the office inconsistently with what other parties hold to be the terms of his appointment, Mr. Turner has found it necessary to appeal to the Court for redress. We understand that, in order to put an end to the present unsatisfactory state of matters, and for properly defining Mr. Monro's rights, Mr. Turner has raised, or is about raising, an action before the Court of Session. Although Mr. Turner has no dispute with the Town Council, having all along been prepared to implement his agreement with them, executed under the advice of Mr. Morrison and Mr. Bannatyne, it appears that he finds it necessary, in point of form, to make the magistrates and Town Council parties to the action; but we believe the real point at issue will be, whether Mr. Monro is entitled to any portion of the fees and emoluments of the office of town clerk beyond the salary of £700 per annum agreed to be paid to him by the minute of his appointment.

Societies and Institutions.

JURIDICAL SOCIETY.

At a meeting of this society on Monday, the 4th inst., a paper was read by Mr. W. D. LEWIS, Q.C., on "the Conditions of Professional Success." After some lengthened observations pointing out the advantages and duties incident to the profession of the bar in this country, and explaining the tenor in which the learned reader wished to be understood in referring to "success" in the law, the paper proceeded as follows:—

"In considering the conditions of professional success, we of course assume a certain general suitableness or conformity of natural parts and inclinations to the contemplated pursuit.

"'There is no doctrine will do good,' says Ben Jonson, 'where nature is wanting. Some wits are swelling and high, others low and still; some hot and fiery, others cold and dull; one must have a bridle, the other a spur.'

"On the other hand, I doubt very much whether talent (understood as the term is ordinarily), be a necessary condition of success at the bar. It is undoubtedly true, as La Rochefoucauld says,—'The generality of men have, like plants, latent properties, which chance brings to light,' and I should not in general assume the absence of what may be termed talent conclusive against a man's success at the bar.

"It is true, too, as Bacon says, 'that some men obtain good fortunes by diligence, in a plain way, little intermeddling, and coping themselves from gross errors.'

"I am disposed to think that industry and perseverance, with an ability par negotiis, are of greater account in our profession than talent as such.

"This view probably will hardly commend itself to the commercial spirit of our day; for it is true, as an able writer says, 'there is an obvious disposition in some communities to appraise men and women at their market, rather than their intrinsic value. A lucky speculation, a profitable invention, a saleable book, an effective rhetorical effort, or a sagacious political ruse—some fact, which proves at best only adroitness and good fortune,—is deemed the best escutcheon to lend dignity to life, or hang as a lasting memorial upon the tomb.' So, again,—'the idea of talent is associated, more or less, with the idea of success; but there is a whole armoury of weapons in the human bosom, of more celestial temper.'

"1. The first condition of success which I am disposed to suggest for your consideration, is, that a man should, in his estimate of the profession, thoroughly identify his vocation with the *public good*. He should be satisfied, not only that it may be reconciled with the good of the public, but that in its native and tendency it directly contributes to it. Such a conviction will prove both a stimulus to exertion and a security against backsliding. Every detail of business, viewed in this light, will be invested with an interest, and supplied with an incentive to its due discharge, far beyond any that the mere desire of the acquisition of wealth could furnish. Taking such a view, the practitioner regards his avocation as a whole, having certain relations to the other interests of society, and does not allow himself to dwell on isolated details of an uninteresting, or it may be repulsive character, as indicating his occupation to be mere drudgery. I grant that it is often very difficult to maintain in its vitality such a conviction as I have here suggested. Any one coming fresh from such a contemplation into one of our courts of justice, while a wrangle as to costs is going on, would be tempted to distrust his principle, and might find his faith wavering. So, again, a man who in the architecture of a deed allowed himself to dwell exclusively or very intently on the 5s. consideration, or on the form of the habendum, might be induced to conclude that draftsmanship was mere technicality without principle, and altogether incapable of being connected with any question of the public interest.

"But in almost every pursuit, it must inevitably happen that there are certain remote and obscure details, which do not very obviously partake of the spirit and character with which the pursuit is in the main animated. The public good is promoted by the maintenance of a body of men specially instructed in the laws—by their being set apart to attend or assist in the administration of those laws—by a division of labour amongst the body; and each individual who participates in this labour may legitimately feel that the healthy action of the laws is in part attributable to the professional system in which he has a share, and under the sanction of which he devotes himself to the forum or the consultation chamber.

"2. In order that a man's practice of his profession may preserve its true dignity, he must constantly keep in view the *scientific* character of it, deeming himself a professor of the science, and not the practitioner of an empirical art merely. There is ample room in almost every transaction for giving effect to and carrying out this principle. Quite consistently with this the practitioner may render due attention to that which in each particular instance is the chief personal aim, namely, the interest of the client who commits his concerns to the advocate's or the counsel's care and protection. Every argument may be conducted, every bill drawn, and every deed framed, with an eye to the precision and purity of the doctrines of law, and their just and true relations to one another, as well as with a regard to the particular result sought to be obtained in the case which is in hand. It may well be that in particular instances a ruder form, or a rougher conclusion, would equally well consist with the mere personal interest of the client; but this is not all which the practitioner is pledged to regard. He owes a duty to the law as a whole, to the body of its professors, of whom he is one, and to the students upon whom will devolve the development of this science in after times. We ought, therefore, to bear in mind the admonition of Bacon, who on this subject says—'Another error is, that after the distribution of particular arts and sciences, men have abandoned universality, which cannot but cease and stop all progression: for no perfect discovery can be made upon a flat or level, neither is it possible to discover the more remote and deeper parts of any science, if you stand upon the level of the same science, and ascend not to a higher science.' So in another place, he remarks—'Other errors there are, in the scope that men propound to themselves, whereunto they bend their endeavours; for whereas the more constant and devoted kind of professors of any science ought to propound to themselves to make some additions to their science, they convert their labours to aspire to certain second prizes; as to be a profound interpreter or commentor—to be a sharp champion or defender—to be a methodical compounder or abridger; and so the patrimony of knowledge cometh to be sometimes improved, but seldom augmented.'

"I assume, that before a meeting like the present, it is no necessary to establish the proposition, that the law of England consisting, as it does in a large measure, of elementary as well-defined principles, by which it determines the great majority of individual cases, realises, in its internal working and in the arrangement of its parts, the conditions of a science, admitting at the same time, however, as we must, that inasmuch as there are principles belonging to it of indeterminate operation, and since (like all other national law) it has many arbitrary provisions for special cases, which cannot be classified as theories, it is a *mixed* science, as distinguished from one that is *pure*.

"Consequent on the view, however, which we have been taking of the scientific character of our law, we have dangers to guard against, and duties to be mindful of. The tendency is sometimes seen in the professors of a science, to make the science conform to an outline and an argument of their own, rather than to follow, in their conceptions, the actual course of the science. There is a disposition to force everything into the support and confirmation of the theory, though there be heterogeneous instances which, if duly examined, would prove its unsoundness. Like Wingate, who, wishing to reduce all the law to propositions of reason, set out with his maxims, and then marshalled, as seemed most fitting and convenient, the instances with which the law furnished him.

"But I conceive the *opposite* of this danger is that to which we are most prone. We are eager to discover *differences* rather than resemblances between the cases and their principles. We readily embrace an exception if we can, forgetting that, by persisting in such a course, we may be the means of causing irreparable injury to the scientific character of the law. We are multiplying (perhaps needlessly) the special individual rules of our system, and sacrificing the advantage of a well-ordered, clearly defined, and yet comprehensive series of doctrines. This evil is augmented seriously when (as sometimes happens) the judge seeks occasion or opportunity to decide a case upon exceptive considerations, as if fearful of holding up to the light of examination the theory which would have embraced it. It is the lamentable effect of this method of viewing legal questions, that, as fast as it solves one question, it breeds others. I would place before all who do not sufficiently bear this in mind, the illustration of Bacon—'Were it not better for a man in a fair room, to set up one great light, or branching candlestick of lights, than to go about with a small watch-candle into every corner?' There is no lack of bright examples to show us the true way; for is not the pleasure derived from a perusal of the judgments of Sir W. Grant, Lord Stowell, Sir Thos. Plumer, or Sir N. Tindal, to be ascribed to their eminently scientific character?

"It must, I conceive, be the object of all of us who are engaged in the study of the laws of our country, that not only the knowledge of those laws should be of advantage to ourselves, but that the laws should, in their character of a science, receive some benefit from our participation in the administration of them. It must, assuredly, be our aim to strengthen and improve (where improvement is open) the foundations of our science. We must perfect its substance, and preserve (if not extend) the grace and dignity of its proportions. We must, with constancy, attend to the reason and grounds of its doctrines: first, in order thereby to do homage to and confirm its character as a science; and next, in order to avert the evils of uncertainty in the law, which (as Sir W. Jones said) are a disgrace, and not a glory, to the science; evils, too, which are best avoided by frequently renewed attention to the grounds and reasons of it, and a bold and clear delineation of its principles. We shall hereby exclude the subtlety which breeds error, or (at best) unprofitable aimless speculation. We shall not be timid to take up conclusions, clear in point of reasoning, merely because we do not find in the reports of Croke, Coke, East, or Vesey, a case which precisely corresponds to that in hand. The sound and soberly deduced results of a principle should be accepted with unhesitating confidence, when we are under the protection of a system which acknowledges, so readily and predominatingly, the utility of *doctrines*.

"It follows also from the consideration that we are engaged in the profession of a science, that our attention is due to the pruning it of all unsound and unwarranted theories that may attach to or be engrafted upon it. Let us always bring our generalisations to the test of particulars; and if they cannot be reduced to these, let us acknowledge them no part of the English system, whatever place they may have in the general science of jurisprudence, or any other philosophy more comprehensive than our positive system.

"It is a problem not unfrequently encountered in legal science, whether to adopt and succour a received error? or to use subtlety (involving a departure from the simplicity of previous reasonings), in order to reconcile the contrariety of the error? or, again, whether the law should be openly and boldly corrected by reference to the indisputable principles of the science? In deciding a question of this kind, we are not at liberty to disregard the consideration that it is one of the main ends of law to quiet contentions in relation to civil rights; and, for this purpose, it is indispensable that what has become settled law should (until removed by the Legislature) continue such; because, otherwise, the concerns of men could not be regulated quietly and evenly upon the faith of what has been declared to be law. But it often happens that an unwholesome or unsound theory is propounded with a measure of professional sanction, which is not such as entirely to exclude dissent. If, then, questionable doctrines appear, let us not be prevented from candidly and frankly examining the grounds of them; but, on the contrary, remember that 'a thing weakly authorised or warranted is not entitled to facility of credit.'

"It is our duty to watch narrowly any interference with the received language and terminology of our science. Its terms of art and its technical phraseology are of the life of the system, and, if waived or loosely and unintelligently applied, it will be but a natural transition to find the prevalent perceptions of legal phenomena becoming vague and indeterminate, and the lineaments of the system less clearly defined. And so likewise it is a mistake to import into our system terms and phrases which, however appropriate in a more general and less technical philosophy, have yet not a definite signification, but rather (if any) a tortuous one, in the discussions of English law. Submission to the logic and the nomenclature already existing, is here called for from every true friend to the science. It is clear if a man is compelled to hunt after the meaning of words, he will be in danger of missing the matter. The signpost should not be ambiguous or perverse, if the course is not to be devious or indirect. Clearness in ideas may frequently, in reference to a special science like ours, depend upon adherence to language which, upon other topics, would be open to the charge of obscurity and inelegance. And, again, let us eschew slovenliness and inexactness of expression in our transactions and discussions of law.

"3. Another very important condition on which, as it appears to me, the success, as well as the comfort, of a man's practice of the profession depends, is, that he should not allow himself to suppose this pursuit incompatible with a just and refined *taste*. We have, indeed, heard of persons abandoning the practice of the law, from a notion of its being offensive to their sensibilities as highly educated men. Such persons, I assume, take a dislike to the technicology, the artificial forms, and the artistic subleties, to which they are obliged to conform themselves. They think, or fancy they think, that the details of legal business involve an ignoble and unworthy drudgery, to accommodate oneself to which must be an offence to educated taste, and inconsistent with the refinement derived from familiarity with literature and the classics.

"It is easy to conceive that, if a man sets out in the practice of his profession with such an anticipation of the fate to which it condemns him, he will never heartily employ himself in it, and will never give himself a fair opportunity of so developing his energies as to meet with success. There will be a constant drawback, restraining and forbidding the necessary cordiality of effort; and the want of success to which this may contribute will consummate his alienation and disgust.

"I cannot but think that a view such as that I am now adverting to, proceeds from a want of attention to the actual occasions and opportunities which legal avocations really present for the gratification of the most educated judgment and the most refined taste. The persons to whom I refer are not in a position to condemn the law as rude or uncouth until they have fairly tried by experience whether the tastes they take pride in may not, without any exceptionable singularity, be indulged in many departments of legal practice which they will find readily open to them. I have no doubt, for example, in the matter of composition, that there are some present who have had opportunities of observing (as I have) specimens of legal draftsmanship, calculated in every way to elicit admiration, tried even by the most strict literary and philosophical rules. Conveyancers, dead and living, I have known, whose drafts have been models of well-chosen language, terse expression and orderly arrangement of parts, as well as of intellectual grasp and scientific exactness. Let a man but give himself the chance, and he will find that even in so apparently repulsive (or at all events uninteresting) an engagement, as the preparation of a deed, he may find means of largely turning to account his literary acquirements. Is there no satisfaction in reducing from a confused and complicated state of facts, a lucid and orderly narrative, logical in arrangement, and simple and even natural in its language? How great is the pleasure experienced upon concluding the preparation of some lengthened instrument, providing by anticipation for alternative events and changing circumstances, to discover, upon examination, no incongruity, no obscurity of intention or of terms, and no possible case unprovided for;—to observe among the provisions themselves, in their mutual relations, a due subordination of parts, and a facile, luminous, and persuasive

arrangement. Precisely the same satisfaction may be enjoyed in the preparation of a pleading, in which a selection is to be made of material facts, but such only as are material, and in which even the order and manner of the statement may of itself lead to and suggest the claim which is to be built upon it, in conformity to the same rules of composition which would be observed in the arrangement of a literary treatise. If we refer to the opportunities afforded by the more public exercises of the advocate, the groundlessness of the supposed repugnancy of law and refinement becomes still more manifest. The room is unlimited which may be found on these public occasions, for conforming to intellectual taste, and satisfying liberal aspirations; and it must be a man's own fault if it prove otherwise. Consider again the mental exercise involved in the examination and determination of some doubtful question of law. Even at the threshold of the inquiry, the very difficulty of the question supplies of itself an attraction to the tastes of a man of vigorous application. That the case presents something to be overcome in an apparent conflict of rules and doctrines, suffices to assure the individual that he is furnished with a subject worthy of the employment of that intellect, on the previous cultivation of which he sets so high a value. At first, certain rules appear, we may suppose, crossing one another's path from different points of the legal compass; and the conflict is such that the individual finds no warrant for advancing a step towards any conclusion—no resting-place for any premiss in his argument. After a while, some one principle asserts itself with a certainty or a predominance sufficient to enable him to advance a further stage in the inquiry. At length the labyrinth gradually unfolds itself—a gleam of light passes through the vists of the inquiry. This he steadily follows, and keeps in view, until at length his judgment is extricated, and, in the enjoyment of full daylight—until a sure conclusion, satisfactory to his reason, is obtained; and he looks back upon the whole exercise as an occasion of rejoicing in the high and pure intellectual satisfaction which it has conferred.

"I, therefore, altogether repudiate the suggestion that taste and refinement must be renounced by a practitioner of the law.

4. Next, I am not ashamed to avow that in my view a considerable measure of *earnestness*, and even enthusiasm, is desirable in the practice of our profession. It seems to me that many times men wish to accomplish things, and even heartily desire them, and yet withhold that energetic action which is usually supposed to show a determination to secure the object in view. If the result in question be worth accomplishing at all, it seems to me that in general the best, and indeed the only rule is, to act for the time, and in the particular case, as if it were the only thing one desired to accomplish—as if, in fact, one regarded and sought after nothing else. To be possessed with an exalted and even an exaggerated view of the importance of what one is engaged in—to think of failure in it as a grievous alternative, and insupportable—and to attend to all the collateral incidents and little things which may insure success—these appear to me to form a method of proceeding which, even at the risk of a charge of enthusiasm, a man engaged in the profession of the bar need not be ashamed to avow.

"'Let us recognise,' says an American writer, 'the beauty and power of true enthusiasm, and, whatever we may do to enlighten ourselves and others, guard against checking or chilling a single earnest sentiment. For what is the human mind, however enriched with acquisitions or strengthened by exercise, unaccompanied by an ardent and sensitive heart? Its light may illumine, but it cannot inspire. It may shed a cold and moonlight radiance upon the path of life, but it warms no flower into bloom; it sets free no ice-bound fountains.'

"Consider, again, how true energy will exhibit itself in all the minor details which pertain to professional life! A writer, who is known only as a 'Fellow of a College,' in a pamphlet entitled 'Self-formation; or, the History of an individual mind,' well illustrates the truth, that there is nothing so trivial, but that an energetic spirit may find its account in condescending not to overlook it. This writer, adverting to an energetic resolve which he formed on a certain occasion, of always keeping his mind occupied with some definite subject, and remarking that he found the excellence of the practice—adds, that thenceforth '*I made a point of everything:* I was active, brisk, and animated in all things that I did, even to the picking up of a glove, or the asking the time of day.' 'If I ever felt the approach of languor, I said at once within myself, in the next quarter of an hour I will do such a thing, and it was done, and much more.' And subsequently he says,—'do what you will, only do something; and that actively and energetically.'

"5. Next, I would take leave to observe that a *love of work* in itself, and for its own sake, is a very wholesome and desirable feeling to cultivate. It secures equanimity and cheerfulness—is a preservative against listlessness—and makes provision for the case which sometimes arises, of an unexpected pressure of engagements and conflicting demands upon the attention. The mere fact of having laboured hard, whether in pursuance of some self-imposed task, or in obedience to strict professional claims, is generally, I think, a source of positive enjoyment in the pleasurable reflections to which it gives rise. The feeling to which I advert is that which Dr. Arnold's biographer testifies to when he says, that Arnold had an unfeigned regard for work of all kinds. We are told of the sense he had of its value, both for the complex aggregate of society, and the growth and perfection of the individual. He goes on to add, that by this pupils of the most different natures were keenly stimulated; none felt that he was left out, or that, because he was not endowed with large powers of mind, there was no sphere open to him in the honourable pursuit of usefulness.

"6. One other quality remains, to which I would beg leave to advert, as especially serviceable in our profession, valuable as it must always be in any—I mean the determination to regard nothing in business as *impossible*. As a theory, most persons, I have little doubt, would declare their adherence to this proposition; but I beg to submit that, practically, there is ground for believing this to be not a sufficiently abiding reality amongst us. We too soon succumb to a difficulty, as amounting in substance to an impossibility. I can from experience, however, declare it to be a most valuable principle of action to assume nothing impossible; and if a man will only take this for his rule, he will many times be carried further in his removal of difficulties by the mere fact that he has made trial of his task, which, perhaps, without this conviction he had not attempted.

"'Nothing is impossible,' says La Rochefoucauld, 'there are ways which lead to everything; and if we had sufficient will, we should always have sufficient means.' Lord Brougham, too, let us never forget, declares the word 'impossible' to be the mother-tongue of little souls.

". . . . . If there be here any gentleman who as yet is but a student of the law, or is only now entering the outer porch of the profession, I trust I may, without offence, conclude with reminding him of the great words of Horace:—

> 'Qui studet optatam cursu contingere metam
> Multa tulit fecitque puer, sudavit et alsit
> Abstinuit Venere et vino.'—*De Art. Poet.* 412."

NEWCASTLE-UPON-TYNE AND GATESHEAD LAW SOCIETY.

At a special general meeting of this society, held on the 18th inst.,

It was resolved,—

"That, in the opinion of this meeting, the present method of taking evidence in causes in the Court of Chancery is defective, and that any measure, having for its object the amendment of Chancery procedure in that respect, and for the establishment of circuits by equity judges, shall have the cordial support of the members of this society. That it be referred to the standing committee to adopt such measures in reference to the Royal Commission moved for by Lord Lyndhurst on the above subject as they may consider expedient."

It was also resolved,—

"That petitions to Parliament be presented in favour of the Bills for Admission of Attorneys to practise in the Court of Admiralty; and for enabling law students who have graduated at any of the universities to be admitted to practise after three years' clerkship."

Law Students' Journal.

UNIVERSITY COLLEGE.

The Council of the College, at their session, on Saturday last, made their first award of a Jews' Commemoration Scholarship. Mr. Nathaniel Nathan was reported by the Faculty of Arts and Laws to be the student of one year's standing most distinguished for good conduct and general proficiency; the scholarship was accordingly conferred on him.

Admission of Attorneys.

QUEEN'S BENCH.

MICHAELMAS TERM, 1859.

Clerk's Name and Residence.	To whom Articled, Assigned, &c.
Abraham, Thomas Henry, 14, Paddington-green	C. Bicknell, Connaught-terrace, Edgware-road; S. Bicknell, Connaught-terrace.
Ames, Edmund Gifford, 9, Staple-inn; College-place, Camden-town; Frome Selwood; and Cloudesley-terrace, Islington	H. Miller, Frome Selwood.
Andrews, George, Dudley	W. Canning, Dudley.
Armishaw, William, 26, Stanhope-street, Park-place, Regent's-park; and Rugeley	J. Armishaw, Rugeley.
Ashby, Sheldon Dudley, Staines	R. Smith, Holborn.
Baily, Francis James, 9, Staple-inn; College-place, Camden-town; Frome Selwood; and Cloudesly-terrace, Islington	H. Miller, Frome Selwood.
Barlow, George William, New Accrington	G. Bannister, New Accrington.
Baxter, Roger, Preston	J. Walker, Preston.
Bayns, Edward Stephen, Penzance; Tavistock-square, Middlesex; and Queen's-road, Camden-town	J. Rescorla, Penzance.
Bedford, Thomas, 21, Merrick-square; Union-street, Southwark; and Whittlesey	J. Peed, Whittlesey; G. M. Smith, Whittlesey; J. Atwood, Poultry.
Benand, Albert, 10, Ann's-terrace, Sutherland-sq., Walworth; Portsea; and Aldermanbury	H. Ford, Portsea; A. Turner, Aldermanbury.
Bigg, Edward Francis, 4, Camden-terrace West, Camden-town	W. A. Langdale, Southampton-buildings.
Bradford, Job, 65, Thornhill-square, Islington	R. Gardner, Leamington; R. S. Gregson, Angel-court, Throgmorton-street.
Brooks, George, 11, Brudenell-place, New North-road	J. Ivimey, Southampton-buildings.
Brown, Henry Darell, Richmond-green; and Lincoln's-inn-fields	C. R. Williams, Lincoln's-inn-fields.
Bruce, George Ambrose, 5, Upper Gloucester-street, Dorset-square	C. Ford, Bloomsbury-square.
Burditt, Walter Frederick, Derby	F. Baker, Derby.
Bytheway, Henry, Pontypool	R. Greenway, Pontypool.
Canning, John Samuel, Birmingham	E. T. Greves, Birmingham.
Cator, Bertie Peter, Beckenham; and 66, Gresham-house, Old Broad-street	J. M. Pearce, Old Broad-street.
Cheale, William Bostock, 13, Wharton-street, Pentonville; Ashby-de-la-Zouch; and Great Coram-street	G. F. Brown, Ashby-de-la-Zouch.
Clarke, Edwin Hyde, Russell-place, New North-road; Bromley; and Lothbury	R. Roy, Lothbury.
Clarke, William Benjamin, 59, King-street, Soho; and Great Yarmouth	E. R. Palmer, Great Yarmouth.
Colville, Edward Richard, 2, Grafton-street East	E. F. Burton, Chancery-lane; T. Kennedy, Chancery-lane.
Cook, George Henry, 22, Percy-circus, Pentonville; Bath; and Bedford-row	R. Cook, Bath.
Craven, Edwin, 34, Wharton-street, Lloyd-square; and Horsforth, near Leeds	T. G. Teale, Leeds.
Crighton, Alexander Clifford, 14, Great Coram-street; and Newcastle-upon-Tyne	R. R. Dees, Newcastle-upon-Tyne.
Cropper, James, 26, St. John's-wood-terrace, St. John's-wood; and Bacup	E. M. Wright, Bacup.
Cullin, Henry Orsbon, Earl's-street, Kensington	J. Weymouth, Clifford's-inn.
Daniell, Edmund James, 20, Albion-grove West, Islington	W. D. Malton, Carey-street; W. F. Baynes, Carey-street.
Daw, Richard Rendle Miller, Richmond; Exeter; King's Arms-yard; and Stone-buildings, Lincoln's-inn	J. Daw, Exeter.
Day, Hugh Framingham, 8, Millman-street, Bedford-row; and Norwich	F. G. Foster, Norwich.
Dean, John, Clitheroe	W. Wheeler, Clitheroe.
Dees, Charles, Horncastle	R. & R. Clitherow, Horncastle.
Dumbleton, Horatio, B.A., 53, Cambridge-street, Hyde-park; and Thorn-hill, Bitterne	J. T. Bolton, Solihull.
Fenn, Robert, Newmarket	W. C. Kitchener, Newmarket.
Fereday, Alfred, Birmingham	J. Baker, Birmingham.
Fox, William, Maidstone	J. Monckton, Maidstone.
Gill, Henry Rockingham, 18, Bedford-place, Russell-square	T. Gill, Bedford-place.
Gun, Reuben, St. Ives	T. Escolme Fisher, St. Ives.
Gotdard, William John, 3, Hunter-street, Lincoln's-inn-fields; and Amersham	F. Charsley, Amersham.
Harrison, Alexander, Birmingham	Harrison & Wood, Birmingham.
Harvey, Thomas Henry, Liverpool; and Birkenhead	C. Falcon, Liverpool.
Harvey, William Phillips, Moretonhampstead	M. W. Harvey, Moretonhampstead.
Hawkins, Frederick Charles, Clapham	J. W. Hawkins, New Boswell-court.
Head, William Alston, jun., East Grinstead	W. A. Head, sen., East Grinstead.
Henrich, Henry Dart, 35, Lincoln's-inn-fields	G. J. Robinson, Lincoln's-inn-fields.
Hilditch, Charles, Tunstall	T. Llewellyn, Tunstall.
Hill, George Frederick, jun., 8, Millman-st, Montague-place; Bedford-row; and Norwich	J. M. Robberds, Norwich.
Holdsworth, Charles Joseph, 24, New Millman-st., Guildford-st.; and Kingston-upon-Hull	G. L. Shackles, Kingston-upon-Hull.
Holland, William Richard, Lichfield	J. P. Dyott, Lichfield.
Holmes, Edward, 4, Princes-road, Notting-hill; and South Molton-street	J. Holmes, Bocking; J. Guren, South Molton-street.
Horton, Thomas, Birmingham	C. Bee, Birmingham.
Horwood, Thomas, Aylesbury	J. James, Aylesbury.
Hunt, William Henry, 5, Holford-street, Pentonville; and Stratford-upon-Avon	W. O. Hunt, Stratford-upon-Avon.
Hunton, Wensley, Richmond, Yorkshire; and Great Ormond-street, Queen's-square	J. Hunton, Richmond.
Inland, Thomas Prialux, 7, Crosby-square; and Park-street, Grosvenor-square	H. Abbot, Bristol; G. Blaxland, Crosby-square.
Jackson, Henry, 9, Park-crescent, Stockwell	W. Bevan, Old Jewry.
Jessopp, Joseph Frederick, Waltham Abbey	C. V. Bridgman, Tavistock; J. Jessopp, Waltham Abbey.
Jones, Robert James, Southport; and Liverpool	J. Jones, Southport.
Jerry, Arthur, 9, Upper Brook-street, Grosvenor-square; Hastings; and Kingston-on-Thames	G. L. P. Eyre, John-street.
Isam, Samuel Alfred, 9, Albert-street, Mornington-crescent; and Sale, Chester	J. Bagshaw, jun., Manchester.
Lavender, John Wesney Shaw, 13, Bloomsbury-square	Minshall & Sanders, Bromsgrove; J. W. Dean, Bloomsbury-square.
Leadbitter, Edward, Newcastle-upon-Tyne; and York	R. Leadbitter, Newcastle-upon-Tyne; H. Newton, York.
Lester, William, 50, Newman-street, Oxford-street	J. Fielder, Duke-street, Grosvenor-square.
Maples, Ashley, jun., 32, Norfolk-street, Strand	A. Maples, Spalding.
Marriott, Frederick Beck, 12, Featherstone-buildings; Stowmarket; and John-street, Bedford-row	J. Marriott, Stowmarket.
Marvey, John, Gloucester	T. Smith, Gloucester.
Meeing, Charles William Coventry, Shaftesbury	C. E. Buckland, Shaftesbury.
Middleton, Stephen Douglas Beckley, Cheltenham; City of London; and Guildford-street, Russell-square	J. P. Bell, Cheltenham.
Nelson, Herbert Walter, Walthamstow; and Hatton-court, Threadneedle-street	T. J. Nelson, Hatton-court.
Oldreive, Edmund Browne, 38, Belgrave-street, Regent's-park	C. Lewis, Albany-court-yard, Piccadilly.
Paget, Thomas Edmund, 35, Alfred-place, Bedford-square; and Leicester	A. Paget, Leicester.
Paine, Edward Chitty, 6, Frederick-place, Caledonian-road	J. Greene, Bury St. Edmunds.
Parke, Charles, 2, King Edward-street, Liverpool-road, Islington; and Lincoln's-inn-fields	R. Blackmore, Surrey-street; J. H. Johnson, Lincoln's-inn-fields.
Parry, Henry Edward, Carnarvon	H. Jones, Carnarvon.
Pattison, Rowles, 25, Torrington-square; and Launceston	S. Reisley, Lincoln's-inn-fields; C. Wigg, Clement's-lane.
Payne, John, Tollington-park, Hornsey; Edgbaston; and Little Ryder-street	T. Slaney, Birmingham; R. Freeman, Coleman-street.
Pellatt, Daniel Parker, Bodicote, near Banbury	R. H. Rolls, Banbury.
Perkins, William, 21, Great Percy-street, Claremont-square, Pentonville; Market Harborough; and Gray's-inn	W. Wartnaby, Market Harborough.
Pickering, George Edward, Kingston-upon-Hull; and Rotherham	G. Spink, Howden; J. Woods, Howden; R. M. Benson, Aylesbury.
Pope, Francis Charles, 30, Coleman-street; and Norfolk-place, Albany-road, Camberwell	S. F. Freeman, Coleman-street.
Pope, Edward, 12, Harrington-street, N., Hampstead-road; and Leamington Priors	H. Gambier, Gray's-inn-square.
Prichard, Henry George, 10, Durham-terrace, Westbourne-park	H. Prichard, Lincoln's-inn-fields.

Clerk's Name and Residence.	*To whom Articled, Assigned, &c.*
Rawlins, Cyril Mortimer Murray, 13, Finsbury-square	W. Clarke, Coleman-street; D. S. Morice, Coleman-street
Reynolds, William Henry, 37, Thornhill-square	W. Reynolds, Lincoln's-inn-fields.
Renny, William, 167, Albany-street, Regent's-park	Woodcock, Part, & Scott, Wigan; C. J. Bloxam, Lincoln's-inn-fields.
Ricketts, John, 24, Liverpool-street, Argyle-square; Bath; and Castle-street, Falcon-square	R. H. Hellings, Bath.
Scargill, Frank Chapman, 61, Gower-street; and Bedford-row	Parker, Rooke, & Parker, Bedford-row.
Siddall, William Frederick, Waltheri Abbey	J. Jessopp, Waltham Abbey.
Staveley, Richard Forster, Newark-upon-Trent	F. B. Falkner, Newark-upon-Trent.
Smith, Frederick, 32, University-street, Bedford-square; and Colchester	R. Stevens, Witham.
Smith, James William, Maidenhead; and Upper Berkeley-street	J. Smith, Maidenhead.
Speed, Edwin John, New Sarum	M. T. Hodding, New Sarum.
Swan, Robert, 3, Portland-place, Islington; and Newcastle-upon-Tyne	J. Fenwick, Newcastle-upon-Tyne.
Sydney, Herbert Montague, 46, Finsbury-circus	E. I. Sydney, Finsbury-circus.
Taylor, William, 9, Museum-street, Bute-terrace, Queen's-road, Bayswater; and Walsall	C. F. Darwall, Walsall.
Thompson, William Henry, Belgrave-villa, Tufnell-park, Holloway	D. A. Freeman, Old Jewry; R. Galland, New Palace-yard; J. R. Stevens, Nicholas-lane.
Thrupp, Raymond Henry, Twickenham	T. Burgoyne, Oxford-street.
Treasure, Henry, 28, Austin Friars	J. Lawford, Throgmorton-street; J. W. Waterhouse, Austin Friars.
Treherne, John Thomas, Twickenham; and Guildhall-chambers	H. A. Reed, Guildhall-chambers.
Trenfield, J. Dennis Brookes, 3, Downing-terrace, Compton-road, Islington; and Chipping Sodbury	J. Trenfield, Chipping Sodbury.
Trimmer, William, 2, Spring Garden-terrace, Brunswick-street, Borough; and Gloucester	K. H. Fryer, Gloucester.
Tucker, Tom John Pitts, Barnstaple	J. Wills, Barnstaple; Church & Sons, Bedford-row.
Turner, William, Exeter	G. W. Turner, Exeter.
Ward, William Frederick, 9, Lower Calthorpe-street, Gray's-inn-road; and Horncastle	R. Clitherow, Horncastle.
Warton, William Gardner, Lower Tulse-hill	J. Walker, Farnival's-inn.
Watson, Thomas Herbert, 5, Charlwood-road, Putney; Bitteswell; and Regent-square, Gray's-inn-road	T. Watson Lutterworth.
Webster, Thomas, Liverpool	T. Toulmin, Liverpool.
West, William Robert, 14, Granville-street, Brunswick-square; and Ripon	S. Wise, Ripon.
Willett, Henry Shadwell, 8, Newington-place, Kennington-road	T. Lofthus, New-inn.
Williams, John Wood, 34, Charlwood-street, Belgrave-road; and Exeter	T. J. Bremridge, Exeter.
Winstanley, James, Newcastle-under-Lyne	R. Stanley, Newcastle-under-Lyne.
Worthington, George William, 59, Friday-street, Cheapside; and Manchester	R. M. Shipman, Manchester.
Wright, John, B.A., 57, Lincoln's-inn-fields; and Willesden	R. Wright, Lincoln's-inn-fields.

MICHAELMAS TERM, 1859, PURSUANT TO JUDGES' ORDERS.

Daniel, Robert Farrimond, East Ardsley, Yorkshire	J. Scholey, Wakefield.
Donague, John, Neath	C. M. Thomas, Neath.
Hipwell, John William, 28, Nutford-place; Weston Underwood; and Fleet-street	J. W. Cowley, Buckingham.
Lanwarne, Thomas, 23, Great Percy-street; Hereford; and Southampton-buildings	N. Lanwarne, Hereford.
May, Edwin, Reading	F. Soames, Wokingham; T. Cooke, Wokingham; T. Rogers, Reading; J. Galsworthy, Old Jewry-chambers.
Oakes, Orbell Willoughby, 3, Princes-terrace, Hyde-park South; and Great Russell-street	H. S. Lawford, Drapers'-hall.
Soames, Francis Larken, Wokingham	Rhodes, Rees, and Bartlett, Chancery-lane; T. Rogers, Reading; T. Cooke, Wokingham.
Webber, James, jun., Clapham Brewery, Wandsworth-road	H. Batt, Dyers'-hall, City.
Winterbotham, James Batten, Cheltenham; and 3, Gray's-inn-square	J. B. Winterbotham, jun., Cheltenham.
Woodcock, George, 10, Featherstone-buildings; and Granville-square, Pentonville	C. Woodcock, Coventry; W. Murton, Verulam-buildings.

Births, Marriages, and Deaths.

BIRTHS.

AITKENS—On July 17, at Twickenham-common, the wife of John Aitkens, Esq., of a daughter.

CREASY—On July 17, at Wimbledon, the wife of Professor Creasy, of a son.

JACKSON—On July 15, at Haverhill, Suffolk, Mrs. H. W. Jackson, of a son.

POWER—On July 16, at Pembroke House, Pembridge-place, Bayswater, the wife of David Edward Power, Esq., of a daughter.

SAXTON—On July 15, at Beltwood, Sydenham, the wife of Edward Saxton, Esq., of a daughter.

WARD—On July 20, at Maidenhead, the wife of Robert Arthur Ward, Esq., of a son.

MARRIAGES.

CLAPHAM—WATSON—On July 20, at Newcastle-upon-Tyne, Henry Clapham, Esq., to Esther Mary, daughter of Joseph Watson, Esq., Solicitor, Bensham-grove, Gateshead.

FISHER—STEELE—On July 14, at Hove Church, Sussex, R. S. Homan Fisher, Esq., to Mary, eldest daughter of the late Joseph Steele, Esq., of Croydon, and of Queen-square, Bristol.

LEE—GUY—On July 13, at the Hotel of H. B. M. Ambassador at Paris, by the Rev. H. Swale, Chaplain to the Embassy, John Cockburn Francis, son of the late John Lee, Esq., of Ravenhead, St. Helen's, Lancashire, to Louisa Mary Guy, niece of William Lovell, Esq., of the Albion-road, New Finchley-road, London.

M'ALISTER—DUNLEVIE—On July 13, at the Catholic Church, Bootersheim, by the Rev. Thomas D. F. Barry, C.C., James M'Alister, Esq., to Katherine Penelope, second daughter of George Dunlevie, Esq., Barrister-at-Law, of Hermitage, county Dublin, and grand niece of the late Right Hon. Thomas Lord Ventry.

DEATHS.

ADDISON—On July 14, at his house, in Winckley-square, Preston, John Addison, Esq., Barrister at-Law, Judge of County Courts for the 4th or North Lancashire Circuit, aged 68.

ASPINALL—On July 17, Duncan Storrs, only son of Clarke Aspinall, Esq., Solicitor, Liverpool, in his 6th year, of scarlet fever.

BROWN—On July 18, at 15, Hertford-street, Mayfair, Douglas Maulewerer, younger son of Douglas Brown, Esq., aged 9 months.

CATES—On July 18, Grace, daughter of George Cates, Esq., of Lincoln's-inn-fields, and Willesden, aged 19.

HICKS—On July 8, at Wyle Cop, Shrewsbury, the wife of C. Hicks, Esq., Solicitor, of that town, at an advanced age, and after a protracted illness.

MASON—On July 19, at his residence, Willow House, Ealing, Nicholas Mason, Esq., late of 5, Bedford-place, Russell-square, and 118, Woodstreet, Cheapside, London, in his 68th year.

MYERS—On July 7, at Darlington, Mary Jane, daughter of W. Myers, Esq., Solicitor, aged 25.

STRADLING—July 1, at Bridgwater, Edward Anstice Stradling, Esq., one of the borough magistrates, and once chief magistrate for the borough, aged 68.

TYLEE—On July 13, Hannah, wife of Edward Tylee, Esq., of 20, Oxford-square, and 14, Essex-street, Strand, and youngest daughter of the late Sir David William Smith, Bart., of Alnwick, Northumberland, aged 51.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

ALEXANDER, Robert, Esq., Edinburgh, £100 Reduced 3 per Cents. Claimed by Robert Alexander, the Administrator.

GODING, John Deale, Fairlee, of North Brixton-mews, Berkeley-square. One Dividend on £2,350 Consols.—Claimed by Cornelius Edwin Elgar, acting executor of Richard Tucker, deceased, who was the surviving executor of the said John Deale Goding.

HILL, Ven. Thomas, B.D., Archdeacon of Derby, Rev. Thomas Booth, Incumbent of Biggin, Peter Pichott Fidler, Gent., and Richard Shaw, Farmer, both churchwardens of Biggin, Derbyshire, £115 15 8 Three per Cents. Consols.—Claimed by said Ven. Thomas Hill and Rev. Thomas Booth, the survivors.

LIVESEY, Jane Bell, Widow, Kildale, Yorkshire, £295 Three per Cent. Consols.—Claimed by the Rev. Thomas Stanforth, the surviving executor of the said Jane Bell Livesey, deceased.

SAMS, William, Butler to W. J. Boddington, Esq., of Clapton, £963 19 10 Three per Cent. Consols.—Claimed by Mary Ann Bateman, Spinster, administratrix, with will annexed (de bonis non) of the said William Sams, deceased.

SNOW, William, of H.M.'s Navy, Stepney, Middlesex, £100 Three per Cent. Consols.—Claimed by Edward Caie Tyte and Alfred John Tyte, executors of Robert William Tyte, who was the surviving executor of the said William Snow.

WHITBORNE, John Cartwright, Curzior, Maidenhead, Berks, £200 New Three per Cent. Ann.—Claimed by John Whitborne and Fanny Whitborne, Spinster, the administrators.

WILSON, Joshua, John Remington Mills, Thomas Merriman Coombe, and Hopkinson John Kitchener, Esqrs., all of Highbury College, £3,000 19 8 Reduced Three per Cent. Ann.—Claimed by the above.

Heirs at Law and Next of Kin.

Advertised for in the London Gazette and elsewhere.

JOCELYN, H. B., who died in the West Indies, in October, 1838.—Next of kin to communicate with the Solicitor to the Treasury, Whitehall, London.

English Funds.

English Funds.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock			221 ..		223 21	223
3 per Cent. Red. Ann...	95¾	95¾	95¾	95¾	95¾	95¼
3 per Cent. Cons. Ann...	95¾	95¾	95¾	95¾	95¾	95 ¼
New 3 per Cent. Ann...	95¾	95¾	95¾	95¾	95¾	95¼
New 2½ per Cent. Ann.	75¼	75			76	..
5 per Cent. Ann.	..	..	..	..	..	..
Long Ann. (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Jan. 5, 1859)	..	..	..	..	..	..
Do. 30 years (exp. Apr. 5, 1885)	..	..	..	..	..	18
India Stock	..	221	220	219	221	220½
India Loan Debentures..	95¼	95¼	95¼	95¼	95¼	95
India Loan Scrip.	..	95¼	95¼	95¼	94¼	94¼
India Bonds (£1,000) ..	28 d	18 d	..	5s d	5s d	5s d
Do. (under £1000)	6s d	..	1s d	..	..	1s d
Consols for account	95¾	95¾	95¼	95¼	95¼	95 ¼
Exch. Bills (£1000) Mar.	30s 27s p	30s 28s p	30s 27s p	28s p	27s 30s p	30s 27s p
Ditto June	..	..	..	..	..	..
Exch. Bills (£500) Mar.	30s 31s p	..	..	27s p	27s 30s p	30s 27s p
Ditto June	..	..	..	..	..	..
Exch. Bills (Small) Mar.	30s 31s p	30s p	30s 27s p	27s 30s p	27s 30s p	30s 27s p
Ditto June	..	..	..	..	..	..
Do. (Advertised) Mar.	..	..	..	..	..	..
Ditto June	..	..	..	..	..	..
Exch. Bonds	..	..	..	..	..	..
Exch. Bonds, 1858, 3½ per Cent.	..	..	..	..	..	..
Ditto (under £1,000) ..	..	..	..	..	..	..

Railway Stock.

Railways.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Birk. Lan. & Ch. Junc.	..	..	..	..	..	..
Bristol and Exeter	..	..	..	96 7	..	96 7
Caledonian	86¼	85¾	85¾	85¾	85¾	85¾
Chester and Holyhead	..	..	..	..	..	..
East Anglian	..	..	..	..	..	..
Eastern Counties	60	59¾	59¾	59¾	59¾	59¾
Eastern Union A. Stock	..	..	..	..	..	..
Ditto B. Stock	..	..	..	..	..	..
East Lancashire	..	..	..	..	..	93¾
Edinburgh and Glasgow	72¾	74	..	..	..	..
Edin. Perth, and Dundee	..	..	..	..	27	27 6
Glasgow & South-Westn.	..	..	..	..	..	..
Great Northern	103¼	..	..	104	..	103¾
Ditto A. Stock	85	86	..	85	..	85
Ditto B. Stock	131	132	131	132	..	132 1
Gt. South & West. (Ire.)	..	..	..	..	..	..
Great Western	60¾	59¾	59¾	59¾ 60	60¾	59¾
Do. Stour Vly. G. Stk.	..	..	..	..	..	..
Lancashire & Yorkshire	96¾ 6	95¾	95¾	95¾	95¾	95¾
Lon. Brighton & S. Coast	113¾	113	..	112¾	112¾ 12	112¾
London & North-Wstrn.	96¾	95¾	95¾	95¾	95¾ 4	95¾
London & South-Wstrn.	96	95¾	95¾	95¾ 5	95¾	95¾ 5
Man. Sheff. & Lincoln.	..	..	..	..	36¾ 6	36¾
Midland	104¼ 4	103¾ 4	104¼	103¾ 4	103¾	103¾
Ditto Birm. & Derby	..	..	..	61	60¾	61 60¾
Norfolk	..	..	..	..	..	..
North British	57¾ 8	..	..	57	57¼ 6	57 57¼
North-Eastern (Brwck.)	94¾	93¾	93	93¾	93¾	93¾ 4
Ditto Leeds	..	47¾	47¾	46¾ 7	..	46¾
Ditto York	76¾	76 74	76¾ 75	..	76¾	76 76
North London	101¾ 4	102¾	..	..	..	..
Oxford, Worc. & Wolver.	33¾	33¾	..	..	..	..
Scottish Central	..	..	..	111	..	111
Scot. N... Aberdeen Stk.	..	..	..	..	..	..
Do. Scotch. Mid. Stk.	..	..	..	..	..	..
Shropshire Union	..	..	..	..	..	..
South Devon	..	..	..	..	42¾ 3	43¾ 3
South-Eastern	74¾ 3	72¾	72¾ 3	72¾ 3	72¾ 3	73¾
South Wales	64	63 2	..	..	63¾	63¾
Vale of Neath	..	..	70	..	..	..

Estate Exchange Report.

AT THE MART.

By Messrs. Driver.

Freehold, Ickenham Manor Farm, 106a. 3r. 30p., with farm-house, buildings, &c., Ickenham and Hillingdon, Middlesex.—Sold for £3,750.

Freehold, Cannons Farm, Ickenham, 25a. 3r. 10p., with farm-house, &c.—Sold for £1,870.

The Manor or Lordship of Ickenham, with all its rights, &c.—Sold for £700.

Freehold, "The Soldier's Return" Beerhouse, on high road from Ickenham to Ruislip.—Sold for £315.

Freehold, Two Cottages, on the road from Ickenham to Ruislip.—Sold for £115.

Freehold, Two Cottages, on the road from Uxbridge to Ickenham.—Sold for £110.

Freehold, "The Fox and Goose" Beer-house, with blacksmith's shop adjoining, Ickenham.—Sold for £325.

Freehold, Frame Wood Farm, Stoke Pogis, Bucks, 97 acres, with residence, &c.—Sold for £3,600.

Freehold, Swilly Pond Farm, Burnham, Bucks, 22a. 0r. 33p., with farm-house, cottages, &c.—Sold for £1,300.

Freehold, Britwell Farm, Burnham, and Dorney, Bucks, 105a. 3r. 30p., with farm-house and homestead.—Sold for £7,000.

Freehold, Small Cottage and parcel of ground, Old Warden, Beds.—Sold for £220.

By Messrs. Nokris, Hoggart, & Lane.

Freehold, part of Bluckley Farm, Great Wigston, Leicestershire, 18a. 2r. 34p. arable and meadow land.—Sold for £970.

Freehold Plot of Land, one acre, adjoining the above.—Sold for £380.

Freehold Enclosure of Garden Land, 3a. 0r. 36p., bounded by the high road.—Sold for £480.

Leasehold Woodland, Bishop's Wood, with cottage thereon, 20a. 3r. 36p., Warninglid, Haughton, Sussex.—Sold for £300.

By Messrs. Herring & Son.

Leasehold Residence, Stafford Cottage, Upper Tulse-hill.—Sold for £310.

Leasehold Residence, "Ayr Lodge," Upper Tulse-hill.—Sold for £760.

Leasehold Residence, Newark-house, Upper Tulse-hill.—Sold for £1,100.

By Mr. J. W. Wabne.

Freehold Houses, Nos. 3 & 4 Alma-terrace, Mawley-road, Old Kent-road; let at £19 : 10 : 0 per house.—Sold for £240 each.

Freehold House, No. 9, Alma-terrace, Mawley-road; let at £19 : 10 : 0 per annum.—Sold for £270.

By Messrs. Foster.

Freehold Business Premises, No. 17, Holborn Bars; let on lease at £186 per annum.—Sold for £2,940.

Leasehold House and Shop, No. 30, King William-street, City.—Sold for £2,370.

Leasehold House and Shop, No. 34, King William-street.—Sold for £1,440.

Leasehold House and Shop, No. 35, King William-street.—Sold for £1,360.

Leasehold House and Shop, No. 36, King William-street.—Sold for £1,320.

Leasehold House and Shop, No. 37, King William-street.—Sold for £1,310.

Leasehold House and Shop, No. 38, King William-street.—Sold for £1,410.

Leasehold House and Shop, No. 59, King William-street.—Sold for £1,310.

Leasehold House and Shop, No. 60, King William-street.—Sold for £2,000.

Leasehold House with Shop, No. 1, Arthur-street.—Sold for £1,060.

Leasehold Dwelling-house, No. 2, Arthur-street.—Sold for £1,150.

Leasehold Dwelling-house, No. 3, Arthur-street.—Sold for £1,110.

Leasehold Dwelling-house, No. 4, Arthur-street.—Sold for £960.

Leasehold Houses, Nos. 16 & 17, Fish-street-hill, City.—Sold for £1,360.

Leasehold House and Shop, No. 2, Fish-street-hill.—Sold for £1,040.

Leasehold House and Shop, No. 369, Strand.—Sold for £1,350.

Leasehold House and Shop, No. 371, Strand; known as "Beckenham's Billiard Rooms."—Sold for £1,220.

Leasehold Dwelling-house, No. 1, Southampton-street, Strand; and house and shop, No. 1, Exeter-street, Strand.—Sold for £1,210.

Leasehold House and Premises, No. 3, Southampton-street; and a dwelling-house, No. 2, Exeter-street.—Sold for £1,310.

By Mr. Debenham.

Leasehold Improved Ground-rent, of £25 per annum, arising from eleven houses in Eagle-court, and Eagle-place, St. John's-lane, Clerkenwell; term, 170 years.—Sold for £190.

Leasehold Improved Rent, of £22 per annum, arising from Nos. 1 to 10, Wilmer-garden, Kingsland-road; term, nearly 194 years.—Sold for £240.

Leasehold House and Shop, No. 16, Queen-street, Edgeware-road.—Sold for £430.

Freehold, and small part Copyhold, Pasture Land, 7a. 0r. 31p., Preston East Field, Harrow; let at £20 per annum.—Sold for £360.

By Messrs. Bayley & Newman.

Freehold Residence and Grounds, 3 acres, Shotten Dane House, Margate.—Sold for £2,100.

AT GARRAWAY'S.

By Mr. Boyes.

Leasehold Residence, Oxford-villa, Canonbury-park North; let at £48 per annum; term, 86 years from June, 1850, at a peppercorn.—Sold for £670.

Leasehold Residence, No. 9, Braganza-villas, Canonbury-park North; let at £55 per annum; term, 84½ years from September, 1851; ground-rent, £2 : 15 : 0 per annum.—Sold for £795.

By Mr. Inman.

Leasehold Residence, No. 39, Torriano-terrace; let at £38 per annum; term, 89 years from Christmas, 1851; ground-rent, 5 guineas.—Sold for £340.

Leasehold Residence, No. 41, Torriano-terrace, Kentish-town; let at £33 per annum; same term; ground-rent, £3.—Sold for £340.

By Messrs. Davis & Vertue.

Freehold, Harold Field, and Old Abbey Farm, Kingswood, Gloucestershire, comprising 207a. 2r. 24p., pasture and arable land, with farm-house, homestead, &c.; let at £340 per annum.—Sold for £9,000.

By Messrs. Wallbran & Lovegay.

Leasehold & Goodwill of the "Pagoda" Public House, No. 96, Bermondsey-new-road, held for 20 years from Christmas next, at £7 : 17 : 6 per annum.—Sold for £1,400.

By Mr. W. H. Moore.

Leasehold Houses, Nos. 2, 3, & 4, Ferdinand-place, Ferdinand-street, Hampstead-road, Camden Town; let at £73 per annum; term, 94 years from March, 1831; ground-rent, £5 per annum.—Sold for £510.

By Mr. Robert Reid.

Freehold, Lower Sheriff and Burstow Bridge Farms, West Hoathly, Sussex, comprising two homesteads, agricultural buildings, &c., and 164a. 0r. 17p. arable, pasture and wood lands; let at £169 per annum.—Sold for £4,300.

Leasehold Dwelling-houses, builder's yard, stable, workshops, &c., Nos. 43 & 45a, Poland-street, Oxford-street; value, £228 per annum; term, 17½ years unexpired from Midsummer, 1850; ground-rent, £120.—Sold for £410.

Leasehold Ground-rent, 10 guineas per annum, secured upon Nos. 5, 6, & 7, Railway-grove, New-cross, Deptford; term, 99 years from 1855.—Sold for £175.

Leasehold Ground-rent of £7 per annum, arising from Nos. 19 & 20, Railway-grove; term, 99 years from 1855.—Sold for £100.

Leasehold Ground-rent of £14 per annum, secured upon Nos. 35 to 58, Railway-grove; term, 99 years from 1855.—Sold for £225.

Leasehold Ground-rent of £10 : 10 : 0 per annum, secured upon Nos. 59, 60, & 61, Railway-grove; term, 98 years from 1855.—Sold for £170.

By Messrs. Farebrother, Clark, & Lye.

Leasehold Residence, No. 2, Chatham-place, Blackfriars-bridge; held on lease at £100 per annum; held for an unexpired term of 11 years from Midsummer last; ground-rent, £30.—Sold for £300.

By Messrs. Glassier & Son.

Freehold Plot of Building Land, corner of the High-road and Canterbury-grove, Lower Norwood.—Sold for £300.

Freehold, 15 Plots of Building Land, Canterbury-grove.—Sold at from £90 to £100 per plot.

By Mr. Whittle.

Leasehold 6 Cottages, 4 Houses, Workshop, and 2 Shops, in North-street, Sloane-street, Knightsbridge; let at £201 : 16 : 0 per annum; term, 29½ years from 25th March, 1858; ground-rent, £70 per annum.—Sold for £470.

The Reversion to Leasehold House, No. 9, Beresford-terrace, Walworth, together with the furniture therein, expectant on the death of a lady aged 83.—Sold for £65.

Leasehold Houses, Nos. 25 & 26, Brownlow-road, Queen's-road, Dalston; value, £50 per annum; term, 98 years from December, 1846; ground-rent, £10.—Sold for £345.

London Gazettes.

Professional Partnerships Dissolved.

Tuesday, *July* 19, 1859.

Charlton, Charles Henry, & John Greenway, Solicitors, 8 Garden-ct., Temple (Charlton & Greenway); by mutual consent. July 14.

Cooper, William Henry, & John Broughall, Attorneys & Solicitors, Shrewsbury; by mutual consent. June 24.

Reade, Compton, & Robert Grahshaw, Attorneys & Solicitors; by mutual consent. July 15.

Friday, *July* 22, 1859.

Burne, Richard Higgins, & Henry De Gray Warter, Attorneys and Solicitors, 1 Carey-st. July 21.

Simonds, Robert Withington, & Henry Sanders Simonds, Attorneys and Solicitors, Winchester (R. & H. Simonds). By mutual consent. July 21.

Bankrupts.

Tuesday, *July* 19, 1859.

Castle, John Lee, Linendraper, Moreton-in-the-Marsh, Gloucestershire. *Com.* Hill: Aug. 2 & 30, at 11; Bristol. *Off. Ass.* Miller. *Sols.* Heather & Son, 17 Paternoster-row; or Bevan, 3 Small-st., Bristol. *Pet.* June 12.

Harris, Abraham, Tobacconist, 1 Railway-pl., Shoreditch, and 1a Bridge-rd., Lambeth. *Com.* Fane: July 29, at 12; and Aug. 26, at 11; Basinghall-st. *Off. Ass.* Cannan. *Sols.* Pocock & Poole, 58 Bartholomew-close. *Pet.* July 19.

Newth, William, Milliner (and not Miller, as advertised), Cradley-heath, Staffordshire. *Com.* Sanders: July 22, and Aug. 11, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Harrison & Wood, Birmingham. *Pet.* July 2.

Procter, Robert, Corn Broker, Liverpool. *Com.* Perry: Aug. 2 & 23, at 11; Liverpool. *Off. Ass.* Morgan. *Sol.* Yates, jun., 22 Fenwick-st., Liverpool. *Pet.* July 15.

Smith, Kirkman, Stonemason, New-cross (Smith & Co.) *Com.* Fane: July 29, and Aug. 26, at 1.30; Basinghall-st. *Off. Ass.* Whitmore. *Sols.* Mason & Starr, 7 Gresham-st. *Pet.* July 18.

Thompson, Thomas, Cabinet Maker, Pocklington, Yorkshire. *Com.* Ayrton: Aug. 1 & 29, at 11; Leeds. *Off. Ass.* Hope. *Sols.* Foster, Birmingham; or Bond & Barwick, Leeds. *Pet.* July 9.

Wigginton, William, Coal Merchant, Bourne-end, Buckinghamshire. *Com.* Fane: July 29, and Aug. 26, at 12; Basinghall-st. *Off. Ass.* Cannan. *Sol.* Shephard, 9 Size-lane. *Pet.* July 15.

Friday, *July* 22, 1859.

Burton, Langley, Upholsterer, Melton Mowbray. *Com.* Sanders: Aug. 9 & 30, at 11.30; *Off. Ass.* Harris. *Sols.* Sale, Turner & Turner, Aldermanbury; or Hodgson & Allen, Birmingham. *Pet.* July 16.

Carr, William, Coal Merchant, Liverpool. *Com.* Perry: Aug. 5 & 26, at 12; Liverpool. *Off. Ass.* Cazenove. *Sol.* Pemberton, 13 Cable-st., Liverpool. *Pet.* July 20.

Heath, Anthony, Provision Dealer, Sheffield. *Com.* West: Aug. 6, and Sept. 3, at 10; Sheffield. *Off. Ass.* Brewin. *Sol.* Unwin, Sheffield. *Pet.* July 20.

Jones, Hugh, Wholesale Grocer, Chester (trading under the style or description of Hugh Lloyd Jones). *Com.* Perry: Aug. 6 & 26, at 12; Liverpool. *Off. Ass.* Cazenove. *Sol.* Pemberton, 13 Cable-st., Liverpool. *Pet.* July 21.

Merson, John, & Thomas Brick Ingham, Glass Manufacturers, St. Helen's, Lancashire (John Merson & Co.) *Com.* Perry: Aug. 5 & 26, at 11; Liverpool. *Off. Ass.* Turner. *Sols.* Anderson & Collins, Castle-st., Liverpool. *Pet.* July 20.

Pearcy, George, Builder, Farnham, Surrey. *Com.* Fane: Aug. 4, at 1; and Sept. 2, at 12; Basinghall-st. *Off. Ass.* Whitmore. *Sols.* Dynes & Harvey, 61 Lincoln's-inn-fields. *Pet.* July 20.

Richardson, Robert Thomas, Grocer, Kingston-upon-Hull. *Com.* Ayrton: Aug. 10 and Sept. 7, at 12; Kingston-upon-Hull. *Off. Ass.* Carrick. *Sols.* England & Saxelbye, Kingston-upon-Hull. *Pet.* July 6.

Tucker, William Owen, Builder, Lea-bridge-rd. *Com.* Fane: Aug. 4, at 12.30; and Sept. 2, at 1; Basinghall-st. *Off. Ass.* Whitmore. *Sols.* Lawrance, Plews, & Boyer, 14 Old Jewry-chambers. *Pet.* July 21.

Wescott, Richard, Butcher, 10 Whitley-crescent, Reading. *Com.* Fonblanque: Aug. 3 & 31, at 1; Basinghall-st. *Off. Ass.* Graham. *Sol.* Riches, 34 Coleman-st. *Pet.* July 19.

Wright, John Thomas, Upholsterer, 44 Waterloo-st., Hove, Brighton. *Com.* Fonblanque: Aug. 3 & 31, at 12; Basinghall-st. *Off. Ass.* Stansfeld. *Sol.* Juckes, 10 Bridgewater-sq., Barbican. *Pet.* July 20.

BANKRUPTCY ANNULLED.

Tuesday, *July* 19, 1859.

Shutt, William Dennis, Ironmonger, 116 High-st., Shoreditch. July 8.

Friday, *July* 22, 1859.

Hayes, Wesley, Boot & Shoe Manufacturer, Kingston-upon-Hull. July 20.

Long, James, jun., Builder, Witney, Oxfordshire. July 19.

MEETINGS FOR PROOF OF DEBTS.

Tuesday, *July* 19, 1859.

Thompson, Charles Robert, Wine Merchant, Winchester House, Old Broad-st., and Southampton (C. R. Thompson & Co.) Aug. 10, at 12; Basinghall-st.

Friday, *July* 22, 1859.

Willson, Charles Frederick, Grocer, 14 Minster-st., Reading. Aug. 13, at 12; Basinghall-st.

CERTIFICATES.

To be allowed, *unless Notice be given, and Cause shown on Day of Meeting.*

Tuesday, *July* 19, 1859.

Bailey, Thomas, Wine and Spirit Merchant, Shrewsbury. Aug. 10, at 11, Birmingham.

Cooper, Charles Company, Carrier, 18 Little Tower-st., Nine Elms, Vauxhall, 7 Devonshire-pl., Wandsworth-rd., and now 11 Upper Copenhagen-st., Islington (trading in copartnership with Horatio Nelson Hornby). Aug. 10, at 1.30; Basinghall-st.

Hodd, James, & John Gill, Ironmongers, 127 London-rd., Southwark. Aug. 13, at 1, Basinghall-st.

Milton, Harman-Matthew, Livery Stable Keeper, 3 Queen's-row, Walworth-rd., Surrey. Aug. 11, at 12, Basinghall-st.

Parrons, James Charles, Publican, Bexmarris. Aug. 9, at 12, Liverpool.

Peters, Jasper, Hale Payne, & John Goodman, Leather Merchants, Northampton. Aug. 10, at 12.30, Basinghall-st.

Satchwell, Thomas, Grocer, Mortimer, Berks. Aug. 13, at 12, Basinghall-st.

Selcox, Stephen Chapman, Builder, Trowbridge, Wiltshire. Aug. 24, at 11, Bristol.

Squire, John Foulds, Lace Manufacturer, Nottingham. Aug. 9, at 11, Nottingham.

Thompson, Charles Robert, & Frederick Lucas, Wine Merchants, Winchester House, Old Broad-st. Aug. 10, at 1, Basinghall-st.

Whitwell, Thomas, Licensed Victualler, Wanstead, Essex. Aug. 9, at 1.30, Basinghall-st.

Friday, *July* 22, 1859.

Clarke, William, Licensed Victualler, Gt. Stanmore, Middlesex. Aug. 13, at 12.30; Basinghall-st.

Crozier, William Robert, & Abraham Horne, Ship & Insurance Brokers, 148 Leadenhall-st. (Crozier, Horne, & Co.) Aug. 12, at 2; Basinghall-st.

Rust, Robert Anderson, Pianoforte Manufacturer, 4 Gt. Marlborough-st., Regent-st. (Rust & Co.) Aug. 12, at 11; Basinghall-st.

Sherborn, Henry Charles, Provision Merchant, Abingdon. Aug. 13, at 1; Basinghall-st.

To be delivered, *unless* Appeal *be duly entered.*

Tuesday, *July* 19, 1859.

Cooper, Archibald Arthur, East India and Commission Merchant, Winchester House, Old Broad-st. July 12, 3rd class, after having been suspended for 6 months.

Humphreys, William Chilton, Coal Merchant, Winchester. July 12, 2nd class.

Jones, James David, Eating-house Keeper, 60 Fleet-st. July 12, 3rd class, suspend the allowance for 2 years.

Little, George, Miller, Lolham, Northamptonshire. July 12, 2nd class.

Polak, Bernhard, Foreign Importer, 17 Bread-st.-bldgs. July 13, 3rd class, suspend the allowance of the certificate for 12 months.

Radford, John Boden, Butcher, San-st., Curzon-st. July 14, 2nd class.

Ruhl, George Frederick, Merchant, 23 Crutched-friars (George Ruhl & Co.) July 12, 2nd class.

Friday, *July* 22, 1859.

Barnett, Benjamin Loseniger, Ship Owner, 95 Gracechurch-st. (formerly in copartnership with William Henry Edward Wilson Rowes). July 7, 2nd class.

Hicks, Richard, Coal Merchant, Camden-town, Kensington, and Halkin Wharf, Pimlico (R. Hicks & Co.); also carrying on the same business at Acton and Kingston-on-Thames (South-Western Coal Company); also carrying on business with Richard Wingfield Hicks at 51 Charing-cross, and Hungerford Wharf (Hicks, Son, & Co.) July 14, 2nd class.

Holdsworth, Lionel, Commission Merchant, late of Liverpool, more late of Quebec, Lower Canada, now of Oxton, Chester. July 11, 2nd class, subject to a suspension of 6 calendar months.

Hawley, Thomas Prentis, Cheesemonger, 25 Brunswick-parade, Islington. April 24, 1846, after suspension to Jan. 1, 1851.

Assignments for Benefit of Creditors.

Tuesday, *July* 19, 1859.

Affleck, James, Merchant, Liverpool. April 18. *Trustees*, J. Johnson, Boot and Shoe Manufacturer, Red Cross-st.; J. Robinson, Shoe Manufacturer, Northamptonshire. *Sols.* Hand, 22 Coleman-st.; Dennis, Northampton.

Chave, John Richard, Schoolmaster, Sampford Peverell, Devonshire. July 8. *Trustees*, J. Bennett, Baker, Sampford Peverell; R. Pearce, jun., Lime Merchant, Uplowman. *Sol.* Woodbury, Cockram, Tiverton.

GOODMAN, JOSEPH RAPSON, Currier, Trump. July 13. *Trustees*, J. Gray, Tanner, Penryn; T. Cornish, Auctioneer, Penryn. *Sol.* Rogers, Falmouth. Creditors to execute on or before Oct. 13.

HARRIS, JOHN, Draper, Ystalyferra, Glamorganshire. July 2. *Trustees*, W. & J. Cousins, Bristol. *Sol.* Cuthbertson, Neath.

JOHNSON, JOB, jun., Farmer, Dogsthorpe, Northamptonshire. July 1. *Trustee*, J. Selby, Peterborough. *Sol.* Deacon, Peterborough.

FRIDAY, *July* 22, 1859.

BALL, WILLIAM GEORGE, Draper, Oundle, Northamptonshire. June 24. *Trustees*, T. Lloyd, Merchant, Manchester; C. W. Smith, Gentleman, St. Paul's-churchyard. *Sols.* Edmonds, Oundle; Worthington, Manchester; Mason & Sturt, 7 Gresham-st.

BOUSFIELD, WILLIAM, Wine Merchant, St. Mary-at-hill, City. June 29. *Trustees*, R. P. Barrow, Wine Merchant, 65 Old Broad-st.; M. J. Scares, Merchant, Mark-lane. *Sol.* Cumming, 27 King-st., Cheapside.

CHARLESWORTH, JAMES, Boot and Shoe Manufacturer, Leicester. July 14. *Trustees*, J. Markham, Auctioneer, Leicester; W. Richmond, Warehouseman. *Sol.* Pike, Leicester.

FISH, WILLIAM ROBERT, China Dealer, Lincoln. July 18. *Trustee*, C. Ward, Builder, Lincoln. *Sol.* Carline, Lincoln.

HARRISON, SARAH, Widow, Chester. July 2. *Trustees*, F. Mercer, Timber Merchant, Liverpool; H. Hurlbutt, Timber Merchant. *Sol.* Roberts, Liverpool.

HERITAGE, WILLIAM, Hosier, Regent-st., Leamington Priors, Warwickshire. *Trustees*, T. Muddeman, Gentleman, Leamington Priors; R. Walton, Hosier, Warwick. *Sol.* Snape, Warwick.

HILL, GEORGE, Shoemaker, Devonshire. June 30. *Trustee*, J. B. Little, Minister, South Molton, Devon. *Sol.* Gillard, South Molton.

Creditors under Estates in Chancery.

Last Day of Proof.

TUESDAY, *July* 18, 1859.

BEET, JONATHAN, Merchant, Sheffield (who died in or about July, 1845). Skidmore *v.* Beet, V. C. Stuart. Nov. 1.

CROSS, JOHN TAYLOR, formerly of New York, and late of Liverpool (who died on or about Dec. 1, 1851). Baker *v.* Guion & others, M. R. Jan. 20, 1860.

ELLETSON, DANIEL, Gentleman, Parrox-hall, Lancashire (who died in or about March, 1856). Waithman *v.* Elletson, M. R. July 25.

ENGLAND, MARTHA, Worsted Manufacturer, Bradford (who died in or about Sept., 1856). Wall *v.* England, M. R. Oct. 29.

HAWKINS, JOHN SIDNEY, Esq., 9 Lower-grove, Brompton (who died in or about Aug., 1842). Hawkins *v.* Webster, M. R. July 30.

MILLETT, Rev. JOHN CURNOW, Clerk, Pempol, Cornwall (who died in or about Jan., 1848). Edmonds & another *v.* Millett & others, M. R. Nov. 5.

WILLIAMS, JOHN, Gentleman, Nant-y-glo, Monmouth, formerly Carmarthen (who died in or about Jan., 1859). Williams *v.* Rowlands & another, V. C. Stuart. Nov. 2.

FRIDAY, *July* 22, 1859.

DEVAYNES, WILLIAM ANGUS, Esq., Updown House, Isle of Thanet (who died on or about Dec. 16, 1858). Devaynes, an infant, *v.* Devaynes & others, V. C. Wood. Nov. 3.

INGLEWOOD, RICHARD, Esq., Hermitage, Old Windsor (who died in or about the month of April, 1859). Triscott *v.* Brown, M. R. Oct. 29.

WAITE, ANN, Widow, Lutterworth, Leicestershire (who died in or about the month of Sept., 1857). Piper *v.* Mash & Evans, V. C. Stuart. Nov. 1.

Winding-up of Joint Stock Companies.

TUESDAY, *July* 19, 1859.

UNLIMITED, IN CHANCERY.

CAE CYSON MINING COMPANY.—M.R., Proof of debts, and on July 29, at 1, to settle the lists of Contributories.

CARDIGAN CONSERVATIVE STEAM COAL, AND SWANSEA AND LOUGHOR RAILWAY COMPANY.—R. Richards will peremptorily order a call of £2 per share, on Mar. 18, between 10 & 4, at the Office of William Turquand, 13 Old Jewry-chambers.

MANDALE MINING COMPANY.—M.R., Creditors to prove their debts.

LONDON AND EASTERN BANKING CORPORATION.—Proof of debts, July 25; V. C. Wood.

LIMITED IN BANKRUPTCY.

STAMLESS LEATHER COMPANY (LIMITED).—Com. Fonblanque, on Aug. 10, at 11.30, at Basinghall-st., to settle the list of Contributories.

FRIDAY, *July* 22, 1859.

UNLIMITED, IN CHANCERY.

CHESTER MUSIC HALL COMPANY.—Creditors to prove their debts. V. C. Wood. Appointment of Official Liquidator, Aug. 1, at 3.

MANDALE MINING COMPANY.—Creditors to prove their debts. M. R. Adjudication, July 26.

LIMITED, IN BANKRUPTCY.

GRAY'S IMPROVED SOAP COMPANY (LIMITED).—Petition for winding up, Oct. 19. Audit the accounts of the Official Liquidator, August 3, at 12.30.

Scotch Sequestrations.

TUESDAY, *July* 19, 1859.

DUNCAN, JONATHAN, Innkeeper, Rosemarkie. July 27, Robertson's Hotel, Dingwall. *Sec.* July 18.

GRANT, CHARLES TURNER, Hotel-Keeper, Inverness. July 30, at 2, Caledonian Hotel, Inverness. *Sec.* July 18.

HAMFELDT, HJALMAR, Commission Merchant, Hamilton (Hamfeldt & Co.) July 23, at 2, Sheriff-court-house, Hamilton. *Sec.* July 13.

FRIDAY, *July* 22, 1859.

GLEN, JOHN, Commission Agent, Portobello, and Montgomery-st., Edinburgh. July 28, at 2, Dowell's & Lyon's-rooms, Edinburgh. *Sec.* July 19.

HOWARD, ROBERT, Contractor, Stonehouse. July 29, at 2, Kingfs-arms-inn (Dick's) Hamilton. *Sec.* July 19.

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THE SOLICITORS' JOURNAL.

LONDON, JULY 30, 1859.

CURRENT TOPICS.

It will be remembered that a committee of the House of Commons reported, some time since, on a petition of Mr. Barber's, to the effect that the allegations therein made had been substantially proved, and that some compensation was due to a man who had wrongfully suffered so much. The Government now propose that the House should vote £5,000, but the proposal has been worded in a way which would make it otherwise than acceptable, even were the amount more commensurate with the injury received. Mr. Barber has addressed the following observations to a daily contemporary:—

SIR,—You will have perceived from the estimates that the Government is about to propose to Parliament "a donation of £5,000 to W. H. Barber, in consideration of his sufferings and distressed circumstances."

The select committee appointed by the House to inquire into the allegations in my petition to Parliament, reported that such allegations were "substantially proved." Now, the petition alleged that I had been erroneously prosecuted by the Treasury—that my conviction was obtained by the wrongful shutting out of evidence which would have proved my innocence—that in Norfolk Island I was treated by the Government officer with "systematic, invidious, and revolting cruelty," for upwards of two years, and that (as was distinctly proved before the House of Commons select committee) by this confessedly erroneous prosecution I had sustained actual pecuniary loss to more than double the amount now proposed as "a donation."

The committee's report adds that the circumstances of my case were "peculiar and exceptional," and that I have strong "claims upon the favourable consideration of the Crown."

I cannot but think that you, sir, will consider that the proposed vote, and the terms in which it is conveyed, fail to do me that justice which I am entitled to expect, and which I have a strong belief it is the feeling of the country I should receive.

I beg to enclose a copy of a memorial which I recently submitted to the Lords of the Treasury, disclaiming compensation for sufferings, but praying the replacement of my bare pecuniary losses.

When this wrongful prosecution was instituted I was in prosperous circumstances, and if I am now suffering from the contrary, it is altogether attributable to the wrong confessed to have been done me by the Government. The reference to "distressed circumstances" appears to me to have been most unnecessary, and is in itself calculated to do me, as a solicitor, more injury than a sum of £5,000 could repair.

It is not to the charity of the Government that I have for the last ten years been appealing, but to its sense of justice.—I have the honour to be, sir, your very obedient servant,

W. H. BARBER.

Parts I. & II. of the "Judicial Statistics of England and Wales, for the Year 1858," have just been issued, containing a vast amount of important information connected with the procedure, practice, and administration of the law in every branch. This valuable collection of statistics comprises police, criminal proceedings, prisons, common law, equity, and civil and canon law; and the information contained therein will be of incalculable advantage to all persons who take an interest in the working out of our criminal and civil jurisprudence. In this week's number of our journal we have given a condensed return from the superior courts of common law, and shall continue weekly to publish those of the other courts—it being our object to present them in a plain and intelligible form, so as to be easily understood.

The Council of the Incorporated Law Society have appointed Mr. G. W. Hemming Equity Lecturer for the ensuing session. His very distinguished career at the University of Cambridge, and his high reputation as an equity lawyer, will, no doubt, insure a large attendance upon his lectures. We need not remind our readers that the columns of the *Weekly Reporter* have had for some years the benefit of Mr. Hemming's ability.

The number of reporters for various legal periodicals, who have been promoted to judicial office of late, has been unusual. Sir A. Bittlestone and Sir J. Arnould have been made puisne judges in India; Mr. Alexander Johnston has been appointed to a judgeship in New Zealand; Mr Begbie in British Columbia; and last, not least, Mr. Colin Blackburn has been promoted from the office of reporting the judgments of the Court of Queen's Bench to the more elevated function of delivering them. Except Mr. Begbie, who for years reported the decisions of V. C. Wood for the *Jurist*, all these gentlemen were members of the common law bar.

We commence this week a series of articles on the Law of Attorney and Client, which, we believe, will be found eminently serviceable to our readers. The subject is, at present, in many respects, a nearly untrodden field, and we are confident in the knowledge and ability of the gentleman we have selected for the task to do it full justice in all its bearings. The articles will be continued regularly during the vacation.

CHANCERY EVIDENCE.

"A Chancery barrister," who is evidently a reporter to one of the legal periodicals, and thoroughly familiar with the practice of the Court, has written to a morning contemporary a very able and graphic description of the present mode of taking evidence in Chancery. It is unnecessary for us to reproduce it in these columns, as our readers are already too well acquainted with all that need be said on the subject. The remedy which he suggests, however, is worthy of attention. It is as follows:—

Abolish the examiner's office entirely; retain the practice of either party being at liberty to file affidavits, if he likes (many Chancery cases can be satisfactorily disposed of upon affidavit), but let either party have a right to give notice that at the trial he will cross-examine the affidavit witnesses, or call witnesses to be examined in chief, or take both courses, and let this be the right of the parties, not dependent on the discretion of the judge.

A further improvement would be, where the question to be decided in the suit is obviously a simple one of fact, to allow the parties to settle the issue at chambers, similarly to the practice of the Probate Court in contentious suits. The plaintiff, moreover, should be allowed at the same time, if he thinks fit, to invoke the verdict of a jury; or if that would be too strong a measure at present, let the judge at chambers determine whether or not the issue should be tried before himself only, or with the aid of a jury. Without some such settled practice as this, it is certain that the Chancery Amendment Act, 1858, will continue to be, as it has hitherto been, a dead letter, and a standing reproach to the equity courts.

The writer above referred to thus notices an objection that is usually made to the course of trying causes upon oral evidence in court, on account of the time which would be occupied:—

It must be at once admitted that more judicial time will be occupied, but not to so great an extent as is imagined. At present the time occupied when occasionally a cause is tried on oral evidence is no doubt frightful. That arises from two causes—first, that no causes are so tried in Chancery, except causes where the facts are very intricate, and the evidence very conflicting, so that the Court has at present only the most tedious cases; secondly, because the judges and the bar are not fully accustomed to oral examination. If they had it to go through every day, or even twice a week, for a twelvemonth, they would go at a much more rapid pace. It must also be remembered that only a per-centage, and not a very large per-centage, of Chancery causes requires oral evidence at all. A large proportion of the causes turn entirely on the legal effect of documents and on documentary evidence. Still, probably, one new court at any rate would be required. But if two were required the country would be the gainer in point even of money, because the enormous quantity of work now done out of court, in respect of evidence, would become unnecessary, and it could be, I believe, shown by conclusive evidence that the expense of that work to the body of suitors very far exceeds the expense of two courts with their whole staff.

We entirely agree with these observations, as we also do with what follows; viz.—

That the resort to oral evidence in court must be made the right of the suitor, by any act of Parliament that shall be passed on the subject, if it is really intended to introduce it in Chancery.

Various speculations have been put forward, from time to time, to account for the indisposition to adopt trials on oral evidence, which exists in the minds of the judges and a considerable portion of the Chancery bar.

The "Chancery barrister," who appears to be a metaphysician as well as a law reformer, ventures this explanation,—

I have no doubt (he says) it is founded principally on high and honourable motives; but, judging by the test of self-examination, I cannot but suspect that it is in part founded on a sort of transcendental refinement which pervades the Chancery bar, and induces them to prefer the somewhat otiose labour of their written procedure, and to shrink from the rude *melée* of a Nisi Prius conflict. Still *fiat justitia, ruat cœlum*; and if the benefit of the public requires the occasional conversion of the elegant Court of Chancery into a bear-garden, I have no doubt that the Chancery bar will strip off cheerfully their outer coating of extreme refinement, and stand up to fight like men.

Before very long, it must come to something like this (barring the bear-garden). We think the sooner the better, not only for the suitors of the court, but for its practitioners of both branches, and for the public generally.

COMMON JURIES.

Trial by jury has of late, like its kindred representative institutions, been on its trial. Before the public, as judges, learned counsel have ranged themselves on the side of the prosecution or the defence, parading the virtues, or displaying the "dark side" of the system. Excess of praise has been lavished on its merits; its defects have been magnified with microscopic power. Listen to its advocates, and lo! we find, without knowing it, that we possess, for the first time in human annals, a perfect institution. Give ear to its defamers! and straightway we wonder that a machinery so clumsy, so ill-working, should have become so much a favourite with us.

Is it true that trial by jury is the pillar of social order and government in this country? If, with the blindness of Samson, but without his vengeance as a motive, we grasp and distort the column, will the edifice of the State fall in, and crush us for our presumption? Will Crown, Church, Lords and Commons, rue the day? Perhaps, though it has withstood the Crown, it has repressed the Church, and defeated the strength of the proud and the arrogant. Is it, on the other hand, true that trial by jury is a great social disgrace? Does it daily work injustice? Are its numbers composed of fools and knaves? Would that some calm, judicial mind would sum up, sift, and reply upon the observations of the advocates, whose reasoning we have but faintly sketched. We confess ourselves unequal to, and decline, the task. Confidently, however, we claim this from the impartial, that, notwithstanding all the keen satire brought to bear, the incongruities exposed, some judicial clap-traps, and the love of new things, this institution still remains dear to Englishmen. The silent regard of the many, abstaining, as most of our deep sympathies do, from noisy demonstration, has, with firm shelter, enshrouded this glorious, but imperfect, because human invention, against the rush, the swell and dash of the storm, which has just subsided.

Let us take advantage of the calm to strengthen and improve, to meet the tempest which clamour and presumption may stir up, lest the surging wave rising still higher carry away some part of what we value, and by repeated attacks effect its total destruction. True, the discontented are few, but they are noisy. Consider the storms of the great ocean—they extend a few miles wide or a few fathoms deep, beyond you will find Nature in repose; but in those few miles of surface, those few fathoms of depth, who shall count the good ships gone down, the noble hearts perished, the mighty sea walls laid low? The passive many are no match for the active few.

Let those, therefore, who are attached to trial by jury, not as a clap-trap, but as a system which has claimed and secured the approval of their deliberate judgment, make heard in society their approval. If they be the more numerous, then will be seen that desertion from the ranks of its detractors which always takes place from the side of a cause which is discovered to be unpopular.

Let now its well-wishers and reformers turn with us to some considerations, out of which, perhaps, not much of credit is to be got by those who shall apply themselves to enforce them. Matters of detail are doubtless beneath great minds, and may safely, it is assumed, be left for management to the plodding and unknown. But, with pride we say it, much of such work, thankless and unrewarded, is performed in England, with silent, unrepining devotion. First of all, surely, the duty of jurors should be made as palatable as possible; secondly, favour or partiality should be shown to none. "Who doubts these propositions?" answers one. "Of course both these considerations are observed," says another. Cries a third, "Is this all after so long a prelude?" We admit it with humility, it is all. We bow our heads to the charge of awakening attention to small self-evident propositions. Columbus-like, we have placed the egg on end. But bear with us a little further. Let us visit Westminster Hall and see the fate of this omnipotent judge of our liberties and fortune, the juror. Is there a common room for jurymen, wet, tired, waiting? No. Is any pains taken to inform them of the court to which they are summoned? Here is an unhappy being before you, hot and exhausted, in terror lest in his absence he should be fined, begging you to explain to him by the paper summons he extends to you, what court he is to go to, and where he is to find it. You are, perhaps, in the Queen's Bench. Good-naturedly, you undertake the task. The court named is, of course, soon mastered; but how, verbally, to direct him to it? It occurs to you there are nine courts sitting. You weigh the expediency of sending him through intricate passages. No, that won't do. Into the Hall? Well, yes; but how shall we explain that he may find the Common Pleas at Nisi Prius, inside of a door which has on it "The Lords Justices," or discover up stairs the Vice-Chancellors' old courts. All the old difficulties of your first acquaintance with the

Hall flash before you. If very good-natured, and very much at leisure, you take him, provided you know where, within sight of his haven; if not, you despatch him speedily to the rebuffs and explanations of others, and *hope* that he will arrive at last. Perhaps he does arrive, to find himself fined for absence, or, if not that, to be thrust here, and sent there, by the swaying and restless crowd. No seat for him, nor respect; and yet, when at last called into the jury-box, he is expected to exhibit patience and acuteness in detecting the fallacies of the crafty, and listening to the speeches of the prosy. Add to this, that more are summoned than are necessary, and that one day's ills such as we have described must be multiplied by seven or fourteen. Who can wonder that, from this expenditure of time and ease, those of the common jury who have means, should desire to escape? This they do, it is said, by the aid of that power against which human virtue is seldom proof. However this may be, rumours to such effect are disgraceful to the authorities, and should provoke inquiry. Suffice it, that undoubtedly the number of common jurymen is narrowed to a few, and not the most responsible; and it is cruel that these should be visited with the discharge of a duty which would become less irksome and frequent were it fairly discharged by all liable to it.

Here, then, we may pause, and ask—Is the duty of jurors made as palatable as it might be? Few, we think, who are conversant with courts will say our sketch errs in exaggeration.

We come to our second proposition; it is—favour to none. Yet we find, at the outset, a legal partiality in the distinction of special jurors. Is this necessary? It seems an odd argument that he who has more money than his neighbour, and is therefore more able to secure efficient substitutes in his absence, should be indulged with stated days for his attendance, and a guinea for his labours, while his less fortunate neighbour is likely to be driven to shut up his shop, when called on to serve as juror. Surely the duty should be impartially imposed on the more wealthy class, and exemptions should be abolished. Let us see further how the system works. Mr. Chandler sells candles and other articles, at once useful and plebeian. To-day he is a tallow-chandler, but in the course of the evening, he contrives to see his friend the new undersheriff, who makes use of his official influence as most of his predecessors have done, and behold, to-morrow Mr. Chandler is on the special jury panel as Russian merchant or tallow merchant. The last is the magic word of transformation. Thus a dealer in boots and shoes wholesale, becomes a leather merchant; a cheesemonger, a provision merchant; in fact, any transformation which jobbing friendship, and a desire to escape an irksome duty, can suggest. Again, this also is productive of unfairness. Take four tradesmen having shops in a row in the city. All four of equal rank and means in the world, two are on the common jury, two are exempt, for they are on the special jury-list for Middlesex. But how is this? Because the two favoured ones are the fortunate occupants of villas or residences in Tyburnia, where their being in trade is ignored, and their names returned on the panel as gentlemen or esquires. Should these unjust preferences and exemptions last a day after they are fully exposed? and can any one doubt that, if they were removed, greater efficiency would be given to trial by jury? When Sir Alexander Cockburn was Attorney-General he promised some reform of the system, but, unfortunately, official ease, or ministerial changes, stifled his good resolutions.

Let this duty be cast upon as large a number as possible; permit only such exemptions as rest on good social grounds; then, if all who are called upon by law to perform it are treated with respect, and indulged with conveniences, they will bring with them cheerfulness, concentration, and patience, and a conscience that each is performing a great public trust, and is doing that for his neighbour, which at any time he may have to ask to be done for himself.

The Courts, Appointments, Vacancies, &c.

COURT OF PROBATE AND DIVORCE.

Shedden and Shedden v. *The Attorney-General and Patrick and Patrick.—July* 27.

On Wednesday last his Lordship made an order that a commission should issue for the examination of witnesses in America upon the question of the marriage alleged by the petitioners to have taken place from sixty to seventy years ago between the father and mother of Mr. Shedden. Notice has been given of an appeal from his Lordship's order to the full Court, and an application was now made on behalf of the respondents that the commission should not be issued until that appeal was decided. The application was opposed by Miss Shedden.

His LORDSHIP thought that, as the witnesses to be examined in America were necessarily old, it would be better to run the risk of incurring unnecessary expense than to incur the danger of the loss of evidence. He should, therefore, order the commission to issue, notwithstanding the appeal; but he thought the respondents ought to give security for the costs of the commission. The commission might be addressed to Mr. Sedgwick, a barrister of eminence in New York, and in case of his declining to undertake it to the British consul.

OXFORD CIRCUIT.—STAFFORD.

(Before Mr. Justice WILLES.)

Dawson v. *Johnson and others.—July* 26.

This was an action of trespass for taking the plaintiff's goods and the question at issue was, whether a distress put in by the defendant Johnson as landlord, on premises occupied by the plaintiff, was justified.

It appeared that the plaintiff had been the owner of the premises, and had mortgaged them in 1855 to George Palmer, an attorney. Palmer, in pursuance of the powers of the mortgage deed, sold the property in 1858 to the defendant Johnson. The legality of this sale was disputed by the plaintiff, who continued to live on the premises with his mother-in-law, Mrs. East, and refused to pay any rent to Johnson. The distress was put in in October, 1858, under a notice to Mrs. East as tenant. The defendant Johnson and his wife both swore to the parol letting of the premises to Mrs. East after the purchase by Johnson, but this was denied by the plaintiff and Mrs. East. There was some evidence of the payment of church-rates by Mrs. East since the alleged letting to her.

Mr. Justice WILLES summed up the evidence, and left it to the jury to say on the conflicting evidence whether or not there had been a letting by Johnson to Mrs. East.

The jury found this question in the affirmative, and gave a verdict for the defendants.

In the course of the trial of the above cause it appeared that the purchase-money paid for the premises was only £46, and that the costs of the conveyance and mortgage deed amounted to £15, and that this sum was part of the charge by way of mortgage, under which the compulsory sale to the defendant Johnson had taken place.

When the jury had given their verdict they stated that they wished to call the attention of his Lordship to the oppressive state of the law as to the conveyance of real property; and they hoped that by the means of those who held positions in the country as judges, a remedy for this oppressive state of the law would be provided.

Mr. Justice WILLES said, a Bill on the subject would be introduced by the Attorney-General, and he was quite sure the matter was safe in his hands.

(Before Mr. Justice BYLES.)

Coroners' Depositions.—July 23.

In the course of the day,

Mr. Justice BYLES referred to a case of manslaughter in which the depositions had not been returned by the coroner till the trial had commenced, and in which the inquisition itself was not returned until the trial of the indictment was over. His Lordship said the coroner referred to lived at Walsall, and, as he had committed a great breach of duty, he fined him £20.

When the jury were being sworn in a case of murder, one of them objected to be sworn, on the ground that he thought

wrong to hang any one, and that he should be afraid to find the prisoner guilty.

Mr. Justice BYLES said, it was not necessary to pronounce any decision on the validity of the juryman's objection. He had no doubt the objection was a conscientious one, and though he regretted that such a notion should exist, the juryman might be excused. He therefore left the box.

SUPERIOR COURTS OF COMMON LAW.—The tables represent, with only slight exceptions, caused by imperfect returns, the whole of the proceedings of the three superior courts in the year 1858. The total amount of business transacted in the three courts is as follows:—

Writs of summons issued	103,478
Writs of capias issued	588
Appearances entered	26,401
Executions	26,130
Motions for new trials	571
Other special motions	814
Hand motions	593
On side-bar rules	2,631
Causes referred to masters	413
Total amount of fees	£64,539 17s. 5d.

Owing to the return of the judgments of the Common Pleas being incomplete, it is impossible to form a correct total. These important tables, which are made by the masters of each court, prove, by the writs of summons issued, the number of suits commenced; and by the diminished numbers of the appearances entered, the large proportion of the claims (nearly 75.0 per cent.), which have either been settled within the eight days allowed after the issue of the writ to enter an appearance on the part of the defendant (who probably had no answer to the claim), or on a final judgment obtained by the plaintiff for default of appearance. The small number of cases actually defended on a joinder of the parties, will be seen on a reference to the tables, by the judgments on postea (except in the returns for the Common Pleas. From these tables it appears, that of the suits commenced in the Queen's Bench, one in sixty-five only came to trial; in the Exchequer, one in forty-nine; but as the suits are finally determined, and judgment given on several other forms of proceeding, the result of the suits will be best shown by the executions, under whatever terms they may have been sued out. Those in the three courts were in the proportion of one in four to the suits commenced. With regard to the distribution of the business between these three courts, which are now alike in their jurisdiction, forms of proceedings, and process, the observation cannot fail to arise from the close comparison into which the business is brought in the tables, that the numbers of suits commenced in the Common Pleas are only about one-half of those commenced in each of the other two courts. The large amount of business transacted at judges' chambers is returned, under the following heads, by the chief clerks to the judges. Under the Common Law Procedure Acts of 1852 & 1854, and some other recent statutes, many applications which were formerly heard before the full Court have been transferred to the judge at chambers, and the various business transacted there is on the increase both in amount and importance. The following is a summary:—

Summonses	40,731
Common orders	34,527
Special Orders	10,931
Certificates, special cases, special verdicts, flats, &c.	1,871
Affidavits, affirmations, &c.	29,139
Affidavits filed	18,594
Approbations for taking affidavits or special bail	302
Acknowledgments by married women	354
Office copies (number of folios)	13,143
Recognisances	88
Writ of Error	1
Bail	107
Committals	216
Exhibits before judge	4,135
Producing judges' notes	83
Bills of exceptions signed by judge	1
Attendances in any court on subpœna	66
Attendances as a commissioner to take affidavits	28
Reports on Private Bills	2
Attendances by counsel (each side)	2,763
Appointment of commissioners	590
Admissions	234
Justification of bail	3
Common Pleas at Lancaster—Orders	38

The result of the suits which proceeded to trial, and the state of the business before the Courts, is returned by the associates of the courts as follows:—

Total number of causes for trial	2,670
Causes tried	1,191
Remanets by consent—	
Quarter ending March 31	39
" " June 30	46
" " September 30	18
" " December 31	40
Remanets by injunction or decree—	
Quarter ending March 31	2
" " June 30	1
" " September 30	1
" " December 31	6
Remanets for want of time to try—	
Quarter ending March 31	8
" " June 30	39
" " September 30	42
" " December 31	8
Withdrawn	725
Struck out	136

The proceedings on circuit returned by the associates to the chief justices, show the number of cases entered in the superior courts, which were tried at Nisi Prius, and by this form of proceeding, moved from the courts at Westminster to the counties in which the causes of action originated. The judgments upon the cases so tried are included in the foregoing numbers for the courts at Westminster, to which the issues are returned, on the application of the parties for whom the verdicts are given; but in many cases some settlement is come to between them out of court, on the decision of the jury; and, upon this compromise, no further proceedings whatever ensue. A large number of settlements by compromise also take place after issue has been joined, and the cause entered for trial; these cases are returned as "withdrawn," and the large numbers under this head are almost exclusively of this class. The causes "struck out" are chiefly those which have been placed on the list for trial, but when called on, the parties not being prepared to proceed, they are thus disposed of by the judge. The small number of remanets contrast very favourably with the state of the business some years since, when causes for trial frequently stood over for two years, and the remanets in the Queen's Bench were counted by hundreds. The total number of suits tried in the Nisi Prius court on circuit were as follows:—

Home Circuit	200
Midland	99
Norfolk	49
Oxford	109
Northern	108
Western	114
South Wales	38
North Wales	35
Lancaster	179
Durham	31

The nature and result of the above trials are given, but for the reasons already explained with respect to the trials before the Courts at Westminster, they are in some respects incomplete. The following are the causes of action:—

	Cases.
On promissory notes and bills of exchange	63
On bonds	19
For goods sold and delivered	135
For work and labour	43
For money paid, advanced, or lent	39
For money received	19
Replevin or distress for rent	9
Trover or detenue	61
Upon special contracts	123
For infringement of patents	10
For recovery of land (ejectments)	131
Trespass relative to land, houses, &c.	90
Questions on wills	2
For breach of promise of marriage	11
Seduction	7
Libel	18
Slander	32
Malicious prosecution	3
False imprisonment	34
Assault	30
Issues from courts of equity	8
Other suits	128

The judgment of each of the three superior Courts in all suits whatever are subject to the revision of the judges of the other two Courts, sitting collectively in the Exchequer Chamber Court of Error. The number of these cases in the year 1858 were—

Proceedings of the Court of Error—	
Notices and writs of error	37
Set down for argument	26
Writs affirmed	14
Writs reversed	6
Remanets	6
Appeals from the Court in Banco—	
Notices of appeals lodged	48
Set down for argument	16
Affirmed	8
Reversed	5
Remanets	7

The tables of the returns give a full and exact description of all the proceedings taken in the suits, when and where heard, the amounts contended for, and the final decision of the Courts.

SOLICITORSHIP TO THE CITY COMMISSION OF SEWERS.—Mr. Charles Pearson, the City Solicitor, has been appointed by the Corporation, Solicitor to the City Commission of Sewers. Mr. Pearson, in acknowledging the appointment, has addressed the following letter to the board:—

Gentlemen,—Be pleased to accept my grateful thanks for the unsolicited honour you have conferred upon me, by my temporary appointment as solicitor to the commission.

When, on the 15th instant, your committee inquired of me whether it would be compatible with my other engagements that I should undertake the duties of the office, I replied in the affirmative, but with some hesitation, because I was at that time imperfectly acquainted with their nature and extent. I have since informed myself fully upon these points, and I think it right to inform the Court, from what I have learnt, that if my health continue such as it now is, and my sight do not further fail me, I shall, I am satisfied, experience no difficulty in efficiently performing the law business of the commission so long as it may be your pleasure to continue it in my hands.

Should any unfavourable change take place either in my health or my sight, so as to impair my powers of usefulness, I shall, of course, be the first to discover a calamity to which we are all more or less liable. In such an event you may rely upon it that I shall be likewise the first to communicate it to those who have a right to expect efficient service at my hands.—I have the honour to be, &c.,

CHARLES PEARSON.

Guildhall, July 26, 1859.

COMPENSATION TO MR. BARBER, SOLICITOR.—A vote of £5,000 will be asked from the House of Commons in committee of supply when the Civil Service Estimates (special) come on for discussion, in consideration of Mr. Barber's sufferings whilst undergoing a sentence of transportation.

REMOVAL OF THE TOWN HALL, BOROUGH.—This ancient building is now in course of demolition, an order from the Bridge-house Estate Committee of the Corporation of the City of London having been given for the sale by public auction of the building materials, fixtures, and fittings. The Town Hall, is within the jurisdiction of the City of London, and at which for many years the quarter sessions for the borough were held in the presence of the Lord Mayor, the Recorder, &c., with the high bailiff, whose judicial functions (if the new Corporation Bill becomes law) will be thereby annihilated. There was a large attendance of competitors, and the greatest competition was for the eight-day turret-clock, which showed time upon an outside illuminated dial-plate, the striking bell of which with hammer works being about 3 cwt. This was purchased for £26 10s. The quarter sessions for the borough are for ever abolished.

DEATH OF JUDGE KING, OF CALCUTTA. — We regret to have to announce the death, on July 12, at Dartmouth, Devon, two days after landing, of John King, Esq., third judge of the Court of Small Causes, Calcutta, aged 51. Mr. King was born at Castleisland, Kerry, and he left India, after a residence of thirty-one years, in the hope of enjoying a green old age in his native land, cheered by the best wishes of thousands who admired his probity as a judge, and his many virtues as a private friend.

NEW DEPARTMENT OF JUSTICE. — The *Observer* states, that the Attorney-General is seriously at work sketching out the plan of a separate Department of Justice. The fundamental operation of this new department will be the collection of information, and the giving of advice and assistance.

The Chancellor of the Duchy of Lancaster has appointed Robert Segar, Esq., to the office of judge of the County Court for the Preston district, in the room of the late J. Addison, Esq., deceased.

The Judgeship of the Court of Record for the Hundred of Salford, vacated on the appointment of Mr. Segar to the office of judge of the County Court held at Preston, has been conferred by the Chancellor of the Duchy of Lancaster on Mr. Stamford Raffles, of the Northern Circuit.

Mr. R. J. Biron, of the Home Circuit, has been appointed Recorder of Hythe, in the room of the late Mr. Gipps.

JUSTICES OF THE PEACE.—It appears that this year—that is to say, since March, there have been assigned to act as justices of the peace,—in Banbury, four persons; in Bath, two; in Bedford, one; in Berwick-on-Tweed, five; in Bodmin, two; in Boston, one; in Cardiff, three; in Carlisle, four; in Grantham, two; in Hanley (Potteries), eight; in Harwich, four; in Ipswich, nine; in Newbury, five; in New (not Old) Sarum, two; in Portsmouth, one; in Richmond, one; in Staleybridge, two; in Walsall, five; and in Great Yarmouth, three. The 16th of June ult. is the latest date of assignment. Another return gives a list of 33 persons created magistrates for the county Palatine of Lancaster since the 31st of December, 1858.

Notes on Recent Decisions in Chancery.

(By MARTIN WARE, Esq., *Barrister-at-Law.*)

EXPECTANT HEIR.—SETTING ASIDE CHARGE ON REVERSION

Bromley v. *Smith*, 7 W. R., M. R., 557.

This is an instructive case, showing how far the Court will go in setting aside the dealings of an expectant heir with his reversionary interest. The plaintiff was tenant for life in remainder of considerable real estates, and being pressed by pecuniary difficulties, charged certain annuities and gross sums of money on his expectant life estate. At the time when these transactions took place, he was of mature age, in his 39th year, and had independent professional advice; nor was any conspiracy or fraud, or misrepresentation, proved against those who had advanced the money, although they had certainly made a hard bargain with him. The Master of the Rolls set the transaction aside, and, in his judgment, laid down the following propositions: first, that the ordinary rule that the burden of proving the fairness of a dealing with an expectant heir lies on the person so dealing, although the transaction be not an absolute sale of the expectancy, but only a charge; secondly, that it will make no difference that the heir was of mature age, and had professional advice, and perfectly understood the nature of such transactions in general, and of the dealing in question in particular; thirdly, that he will be equally entitled to relief, although he himself made misrepresentations as to his interest, provided the parties dealing with him were not misled by such misrepresentations. The only question, therefore, in such cases is, whether the transaction was in itself a fair and reasonable bargain. In the present case, also, the plaintiff introduced into his bill charges against the defendants of fraud and conspiracy, which he failed to substantiate; but the Court, notwithstanding, granted the relief, only dismissing those parts of the bill which contained the offensive charges, contrary to the general practice of the Court, by which a plaintiff who introduces unfounded charges of that nature has his bill dismissed altogether, even though he shows independent grounds for relief.

WITNESS—REFUSAL TO CRIMINATE HIMSELF.

Scott v. *Miller*, 7 W. R., V. C. W., 561.

We had occasion a short time ago to call attention to the case of *Ex parte Aston*, in which the question of the privilege of a witness to refuse to answer a question tending to criminate himself was considered. It was there decided that the witness must not give an argumentative refusal—for if he stated his reason for believing that the answer would criminate him, the Court would judge whether the reason was or was not sufficient; and if it appeared insufficient, would force him to answer.

The present case is on the same subject, and decides that a witness or defendant, when called upon to answer, must distinctly swear to his belief that his answer would tend to criminate him, and not merely say that he submits that it might tend to show that he was subject to penalties. The passage in the defendant's answer in question was as follows: "I submit that I am not bound to discover or set forth, and I refuse to discover or set forth, the matters which, by my former answer, I have refused to set forth, because the discovery of such matters would, or might, show, or tend to show, that, under the provisions of the 6 & 7 Vict. c. 73, I am liable to be struck off the roll, and for ever after disabled from practising as an attorney or solicitor."

The Vice-Chancellor held that this was not sufficient. He observed that, where privilege was claimed, it must be claimed with the strictest confidence. There must be the oath of the witness to his belief that, by answering, he would be committing himself.

TRUSTEE RELIEF ACT—COSTS OF TRUSTEE.

Re Hue's Estate, 7 W. R., M. R., 562.

This case relates to a question which is constantly recurring in practice; namely, the extent of the right of trustees to costs in respect of a fund which they have paid into Court, under the Trustee Relief Act. Cases continually occur in which persons beneficially entitled to a trust fund are surprised and annoyed by the trustees suddenly paying the fund into court; and the question naturally arises, whether trustees are under all circumstances entitled to throw the costs both of paying it into court, and getting it out again, upon the fund. It will be well, therefore, to state generally the result of the cases upon this subject. It appears to have been at one time thought that a trustee was always justified in paying his trust money into

court under the Act—but it is now clear that if a trustee vexatiously pays money into court—if, for instance, the title of the parties claiming it is clear, and he is offered a good discharge for it—he does wrong in taking advantage of the Act. But the only way at present in which the Court has shown its displeasure, is by making the trustees pay the costs of the petition for paying the fund out to the parties entitled. Vice-Chancellor Wood, in *Re Heming's Trust* (3 Kay, & Jo. 40), held that he had no jurisdiction even to do this; but his Honour's decision has been reversed by the full Court in *Re Woodburn's Will* (1 D. G. & J. 333), where the question of jurisdiction was fully discussed. But no case has yet occurred where the trustees have been made to refund the costs retained by them on paying the money into court, although the reasoning on which the judgment in *Re Woodburn's Will* rested would apply to such a case; and it may therefore be concluded that, if a strong case of vexation were to arise, the Court would not hesitate to take this step also. It should likewise be remarked that, in all the cases in which the trustees have been refused costs, or visited with costs, the time for distributing the fund had arrived; and no censure has ever been passed upon trustees who have relieved themselves of a *continuing* trust by taking advantage of the Act.

However, although the Court has never yet made the trustees refund the costs incurred in paying the fund into court, it has, on more than one occasion, ordered such costs to be taxed, and such portion as was improperly incurred deducted. The present case (*Re Hue's Estate*) is an instance of this. The trustees, on paying in a sum of £164, had retained £39 for costs. On the presentation of the petition for payment of the fund to the parties entitled, the costs of the trustees, both of the payment into court, and of their appearance on the petition, were ordered to be taxed, and the balance only paid to them, after giving credit for the £39.

TRUSTEE—NOTICE OF INCUMBRANCES.

Browne v. *Savage*, 7 W. R., V. C. K., 571.

In this case the Vice-Chancellor had occasion to consider the doctrine of notice to the trustees of a trust fund, in cases where the trustees are themselves beneficial owners, and deal with their interests. The general rule is, that if a person takes an assignment of an interest in a trust fund, he need only give notice to one of the trustees. (The expression "*all* the trustees," in the first paragraph of the marginal note, seems to be a misprint.) The reason of this rule is, that it is the duty of a subsequent incumbrancer to inquire of all the trustees as to prior charges, before he advances his money—subject, however, to this observation, that if the trustee to whom notice is given should happen to die, the protection of the first incumbrancer is gone. But supposing the beneficial owner who assigns his share is himself one of the trustees, is the notice which he has of the transaction sufficient to protect the assignee? His Honour has decided that it is not, for this reason, that it is the interest of the trustee, who is also assignor, to conceal the fact of the assignment from any one who proposes to make him a further advance. A person, therefore, who takes an assignment from a beneficial owner, who is himself one of the trustees, should take care to give notice to his co-trustees. On the other hand, if the *assignee* of the beneficial interest be one of the trustees, his Honour held that there is no need for him to give notice to his co-trustees, because he has no motive for withholding information from any subsequent inquirers. The observation of *Turner*, L.J., on a late occasion, is a good guide in such cases, namely, that the rule of notice is not so much for the security of the assignee, who gives the notice, to prevent the trustees from parting with the fund, as for the security of subsequent incumbrancers, that they may have the means of knowing, by inquiring of the trustees, whether there are any prior charges.

Notes on Recent Cases at Common Law.

(By JAMES STEPHEN, Esq., *Barrister-at-Law, Editor of "Lush's Common Law Practice," &c., &c.*)

PRACTICE—CONSTRUCTION OF THE COMMON LAW PROCEDURE ACTS—REAL AND PERSONAL ACTIONS.

Marshall v. *The Bishop of Exeter and another*, 7 W. R., C. P., 525.

This case is important in principle, though the comparative rarity of real actions makes the determination of the Common Pleas on the point involved, of less practical consequence than t would otherwise be. The question, in effect, at issue was, whether the Common Law Procedure Acts of 1852, 1854, are to be construed as applying, where such application is convenient, to real as well as personal actions. The actual point before the Court, however, was narrower than this, being only whether ss. 80 & 81 of the Act of 1852 apply to the real action of quare impedit. It will be remembered that the first of these allows the novelty in pleading that either party, by leave of the Court or a judge, may plead and demur *to the same pleading at the same time*, and that the second regulates afresh the facilities introduced by a previous Act in the reign of Queen Anne (4 Ann. c. 16), for pleading several matters.

In deciding this question in the affirmative, the Court have inferentially held, that several other portions of these Acts apply to real actions; notwithstanding the wording of the interpretation clause in the Act of 1852 (s. 227), by which the word "action," where occurring therein, is expressly limited to a *personal* action; and notwithstanding, also, the silent recognition throughout the two Acts of the distinctive character of the class of actions personal as opposed to the few real actions preserved by 3 & 4 Will. 4, c. 27: which last still require to be commenced by original writ, and over which the Court of Common Pleas has still an exclusive jurisdiction. In taking the view that they have done of the proper construction of the Act of 1852, there is no doubt that the Common Pleas have adopted that which is most convenient, and that they have only prevented the work of the Legislature, had their decision been otherwise. It would never be endured that the pleadings in real actions should still be deformed by the evils swept away from the general system, and deprived of the facilities recently introduced therein. It is, however, also our opinion that the present decision is a clear though a favourable specimen of "judge-made law." Indeed, Mr. Justice Willes (than whom no one living is a better exponent of the *intention* of the Legislature in passing a measure based on the report of the commission of which he was one of the most influential members) said, in his judgment,—after stating, that on full consideration of the statute and the arguments the Court had come to the conclusion that the sections in question did apply to real actions.—"It may, indeed, be conjectured that this question did not suggest itself to the mind of the framers of the Act, and even that they had no formed intention of dealing with actions other than personal." Now it is not easy to understand what is meant by the expression here used, of "formed" intention. It must be abundantly clear to any one who has watched the history of these changes, or who peruses the two reports of the commission, and the evidence on which they were founded, that there was a "formed," and definite intention to confine their then researches to personal actions; leaving the subject of real actions (with regard to the practice on which not a single question was put to any of the witnesses examined) to be grappled with on a future occasion, and to form materials, in common with a variety of other miscellaneous parts of common law practice not yet overhauled, for future reports. But with their second report the labours of the commission, we believe, terminated; for by that time, or shortly after, it became much reduced in force; death having removed one of the most able of its members, and others having been elevated to the bench.

It may be observed that a case in the Queen's Bench somewhat bearing on the principle involved in the question above discussed (*The Queen* v. *Seale*, 5 Ell. & Bl. 1), does not appear to have been noticed on the present occasion, either in the arguments, or in the judgment. There it was held that the provisions respecting error in the Act of 1852, do *not* apply to an information in the nature of quo warranto, notwithstanding that such information, though perhaps technically for a misdemeanour, is always treated as a civil action (*Rex* v. *Francis*, 2 T. R. 484).

CONTRACT SECURED BY FIXED SUM—PENALTY OR LIQUIDATED DAMAGES.

Betts v. *Burch*, 7 W. R., Exch., 546.

There is a doctrine according to which a sum mentioned in a contract (not being a bond), as to be paid by the one party to the other, if a certain act contracted to be done be not performed,—is sometimes considered by the law a penalty, and consequently (by the effect of 8 & 9 Will. 3, c. 11), enforceable only to the extent of the damages actually incurred by the failure in the performance, and sometimes on the other hand as *liquidated damages*, entitling the plaintiff on proving a breach, to take out execution for the whole amount: but this doctrine is somewhat arbitrary in its application, or at least is liable to nice distinctions. The rule seems to be, that if the contractors themselves intended the sum as a penalty, such intention will in general be supported by the law—but that, on the

other hand, a penal character will sometimes be assigned to it, even in the teeth of their intention, through the anxiety of the law to restrain the plaintiff's execution to a reasonable and equitable amount. Thus where a contract contains a variety of distinct stipulations, involving inter alia the payment of money to a fixed amount, and provides for payment of a larger sum upon breach of any one of the stipulations, that sum will also rank in legal contemplation as a penalty (*Atkyns* v. *Kinnier*, 4 Exch. 776). To give a well-known example the other way,—where a man engaged with a woman to marry nobody but her, and on marrying with any other to pay her £1,000, she was held entitled on breach of this engagement, to judgment and execution for the entire sum, supposing the action to be maintainable at all; but the contract was ultimately adjudged to be illegal, as in restraint of marriage, and not capable of being enforced (*Lowe* v. *Peers*, 4 Burr. 2225).

In the present case, the agreement which was the subject of the action, concerned the purchase of the stock and goodwill of a business and premises; and there was a stipulation that if either of the parties failed in complying with every particular set forth in the agreement, he should forfeit and pay the sum of £50 and all expense attending the same. The Court held that the above sum was in the nature of a penalty only, and not recoverable as liquidated damages—founding their judgment on the fact that the agreement provided for the performance of three things by the defendants (viz. submission to the valuation of the appraisers, payment of the purchase-money, and taking possession on the day named), and that there might be a breach of one of these, the actual damage sustained by which would be much less than the penal sum.

Parliament and Legislation.

HOUSE OF LORDS.

Friday, July 22.

ADMIRALTY COURT BILL.

The LORD CHANCELLOR moved the second reading of this Bill.

Lord CHELMSFORD objected to the Bill being passed without some compensation being given to the proctors for the loss of practice which it would occasion them, and contended that the change which it proposed to effect was not so urgent a matter that it need be hurried through Parliament during the present session.

Lord CRANWORTH denied that the proctors had any claim to compensation, and stated that Dr. Lushington considered the admission of barristers and attorneys to practise in the Admiralty Court to be absolutely necessary and extremely urgent.

Lord BROUGHAM said that if the proctors were compensated there would be no end to similar claims, which would constitute the greatest possible obstacle to the amendment of the law.

The Earl of RIPON said that, in 1857, the Government promised that this court should be opened, and, if the matter was urgent then, it must be urgent now.

The Bill was then read a second time.

JURY TRIAL (SCOTLAND) ACT AMENDMENT BILL.

The LORD CHANCELLOR moved the second reading of this Bill, the only object of which he stated to be to reduce, from six to three hours, the time during which a jury in a civil case must remain in deliberation before the verdict of nine can be taken.

Lord CHELMSFORD was glad to hear that his noble and learned friend had no intention of making any attack on the English system. If those who understood the opinions and feelings of the Scotch people, thought the Bill would be productive of advantage, he had not a word to say against it.

The Bill was then read a second time.

COURT OF PROBATE (ACQUISITION OF SITE) BILL.

This Bill was read a second time.

ATTORNEYS AND SOLICITORS BILL.

This Bill was read a third time.

Thursday, July 28.

DIVORCE COURT BILL.

The LORD CHANCELLOR, in moving that the House resolve itself into a committee on this Bill, briefly indicated the amendments he meant to propose. The first would enable the Judge Ordinary to take precedence in the court immediately after the Lord Chief Baron. He intimated that he would not oppose any clause, though he should not move it himself, enabling persons domiciled out of the kingdom, in India or in any of the colonies, to petition the Court to dissolve marriage, instead of their having, as now, to resort to their Lordships' House for a legislative measure for that purpose. He would propose a clause giving power to the Court to sit with closed doors, but, in order to obviate an objection that had been made that the Court might arbitrarily close its doors to screen aristocratical delinquents, he would so word the clause as to confine the exclusion of the public from the court to cases where public decency required it. Again, instead of enacting that every petition should be referred to the Attorney-General, he should propose that the Court should have the power of invoking the assistance of the Attorney-General whenever they thought it desirable.

The House then went into committee on the Bill.

After clause 2,

The LORD CHANCELLOR proposed the insertion of words providing that the Judge Ordinary shall have precedence next after the Lord Chief Baron of her Majesty's Court of Exchequer.

The motion was agreed to without a dissentient.

The Earl of WICKLOW, in moving the insertion of a clause enacting that any person domiciled in any part of the United Kingdom, except Scotland, may petition the Court for a dissolution of marriage, explained that the object of his motion was to extend the operation of the Bill to Ireland. He submitted that the proper way to afford the Irish people the means of procuring a divorce was by a Bill of that kind, by which they would have to come to this country to obtain relief, rather than by establishing a Divorce Court in Ireland, seeing that in that part of the kingdom, where so large a proportion of the judges were Roman Catholics, who had an invincible repugnance to the dissolution of marriage, there would be a difficulty in constituting the requisite tribunal for such a purpose.

Lord BROUGHAM said, the reason why Scotland was omitted was, that there was already in that country a court for granting divorces; but in Ireland there was no divorce court whatever.

Earl ST. GERMANS said, the introduction of the clause would not affect the general marriage law of Ireland. The only effect of it would be to place the law on the same footing in both countries in so far as regarded the granting of divorces.

This suggestion was adopted by the Earl of WICKLOW, and the clause so amended was ordered to stand part of the Bill.

In the fourth clause, empowering the Court to sit with closed doors,

The LORD CHANCELLOR proposed the insertion of an amendment limiting this power to cases in which the judges should think that its exercise was necessary for the sake of public decency.

The committee then divided on the motion of the Lord Chancellor, when the result was—

Contents	26
Non-contents	9
Majority	— 17

The motion was therefore carried.

In clause 5,

The LORD CHANCELLOR moved the insertion of words giving power to the Court to invoke the assistance of the Attorney-General, or his deputy, in investigating the merits in cases where there was reason to suspect collusion between the parties.

The clause as amended was agreed to, and the Bill passed through committee.

CRIMINAL JUSTICES (MIDDLESEX) BILL.

This Bill was read a second time.

HOUSE OF COMMONS.

Friday, July 22.

In reply to Mr. MELLOR, Sir G. GREY stated, in the absence of the Home Secretary, that it was not the intention of his right hon. friend or of the Government to propose any measure to Parliament to regulate the appointment of magistrates. It would be difficult, indeed, to lay down, by Act of Parliament, any precise rules upon such a matter; but, at the same time, he could not help saying that nothing could be more prejudicial to the fair and impartial administration of justice than the practice of appointing magistrates with a view exclusively to their political opinions.

BANKRUPTCY AND INSOLVENCY ACT (IRELAND) AMENDMENT BILL.

This Bill was read a third time and passed.

Monday, July 25.

POLICE (COUNTIES AND BOROUGHS) LAW AMENDMENT BILL.

The Bill was read a second time.

VEXATIOUS INDICTMENTS BILL.

The SOLICITOR-GENERAL, in moving the second reading of this Bill, said that, in consequence of indictments having in many cases been preferred against persons before grand juries, simply for purposes of oppression or extortion, this measure provided that, in cases of perjury, subornation of perjury, conspiracy, obtaining money or other property by false pretences, keeping gambling-houses or disorderly houses, or indecent assaults, the prosecutors, before preferring bills, should be required to take proceedings before magistrates, and so give the parties accused some notice of the accusations. At present, indictments might be preferred before grand juries, and if they were found upon ex parte statements, the plaintiffs were entitled to bench warrants, and the first notice the intended victims —the person accused—received of the proceedings was from the execution of those warrants.

Mr. AYRTON thought this Bill objectionable, because it would affect the present grand jury system, which afforded a great security for the maintenance of public liberty. This Bill would make one of the most insignificant of judicial officers—viz. a stipendiary magistrate, an absolute judge without power of appeal. Unless it were materially altered in committee he hoped the House would reject it by a large majority.

Mr. E. JAMES said, the details of the Bill would require considerable alteration, but there could be no doubt of the desirableness of its object—viz. the putting an end to the enormous abuse of extorting money by means of indictments.

The Bill was then read a second time.

Wednesday, July 27.

IMPRISONMENT FOR SMALL DEBTS BILL.

Upon the motion for going into committee,

Mr. COLLIER said, as there appeared to be some misapprehension as to the nature and objects of this Bill, he wished briefly to state what its intentions really were. He proposed simply to abolish the power of imprisonment without a hearing. Upon a previous occasion he had shown that no less than 8,000 persons had been so committed during the past year, and the committal, it must be borne in mind, was simply a punishment, not operating as an extinguishment of the debt. With regard to the treatment of prisoners so committed, he found it stated in a newspaper that they were stripped upon entering the gaol, their clothes searched, their diet limited, and only two hours a-day allowed for exercise.

The SOLICITOR-GENERAL said, he entirely concurred in the propriety of passing the first clause of the Bill, for he was of opinion that a minority of the county court judges—some thirteen or fourteen out of sixty—put a wrong construction on the 98th section of the County Court Act. It was important that doubts on the point should be removed, for all the hardships and scandal with respect to these commitments had arisen from that erroneous though conscientious construction of the law.

Mr. PAGET moved that the chairman report progress, in order to allow time for the report of the committee of the county court judges to be printed, and to give an opportunity to members connected with manufacturing districts to communicate with their constituents on the subject.

Sir G. C. LEWIS suggested that the better course would be to allow the Bill to proceed into committee. The county court judge acted in a double capacity—as a judge of the county court for small debts, and as a judge in cases of insolvency. In the latter capacity he had the power of bringing an insolvent before him for examination, but he did not possess such a power as a county court judge, and from that inability to call before him a debtor and question him on the subject of his debt arose the necessity for a power of imprisonment. He thought there was a disposition to form a somewhat harsh estimate of the conduct of county court judges with regard to the exercise of the power of imprisonment. Now, it must be remembered that before the passing of the County Courts Act a number of small debts courts, or courts of request, existed throughout the country, the judges of which have the power of imprisonment. Several of the judges of these courts, ten or twelve of them, he believed, were appointed county court judges, and he apprehended that their practice had been somewhat arbitrary, and that they had imprisoned debtors upon very loose evidence. He hoped the committee would not entertain the erroneous opinion that the County Court Act had introduced a more lax system, for he was satisfied that the appointment of a superior class of judges had tended materially to improve the administration of the law by increasing the strictness of that administration.

Mr. PAGET then withdrew his amendment, and

The Bill went through committee,

Mr. HENLEY suggesting that the same power should be conferred upon county court judges with respect to small debts as they possessed in insolvency—namely, of calling before them the debtors and subjecting them to examination.

HIGH-SHERIFFS' EXPENSES BILL.

On the motion for going into committee on this Bill, Mr. WISE objected to proceeding with the measure at so late a period of the session. The House divided on the question, and the Bill was lost by a majority of three.

ELECTION PETITIONS.

The SPEAKER informed the House that certain petitioners who had complained of undue returns for Kidderminster, Kingston-upon-Hull, and Windsor, had signified their intention not to proceed with their respective petitions.

VEXATIOUS INDICTMENTS BILL.

This Bill passed through committee.

RAILWAY COMPANIES ARBITRATION BILL.

IMPRISONMENT FOR SMALL DEBTS BILL.

MUNICIPAL CORPORATIONS BILL.

These Bills were read a third time and passed.

JUDGMENTS (IRELAND) BILL.

On the motion of Mr. Serjeant DEASY, the order for the committee on this Bill was discharged and the Bill withdrawn.

PROBATES AND LETTERS OF ADMINISTRATION (IRELAND).

Leave was given to Mr. DEASY to bring in a Bill to amend the law relating to probates and letters of administration in Ireland.

The Bill was read a first time.

FIRST ACT OF THE NEW PARLIAMENT.—The first Act of the new Parliament was issued on Monday. It is entitled, "An Act to provide for the Authentication of certain Orders of the Privy Council in the absence of the Clerk in Ordinary." It appears that certain orders of the Privy Council are by Acts of Parliament required to be certified, or authenticated, under the hand of the Clerk in Ordinary, and delay and inconvenience may arise in the event of such Clerk in Ordinary being prevented by illness, or otherwise, from the discharge of his duty. The Act provides "that whenever her Majesty shall, with the advice of her Privy Council, make provision for the performance of the duties of the Clerk in Ordinary, in the event of his absence, any person acting under the authority of the Order in Council in his behalf shall, in relation as well to the signing, certifying, and issuing of orders of her Majesty in Council, or of the Lords, and others of her Majesty's Privy Council, under any Acts of Parliament as to the other duties of that office, have and perform all the powers and functions, and be in the place of the Clerk of the said Council in Ordinary." The Act is the 22 & 23 Vict. c. 1, being the first session of the 18th Parliament of the United Kingdom of Great Britain and Ireland.

CONSOLIDATION BILL.—In addition to the Bills for consolidating various Acts brought into the House of Commons by the law officers of the late Government, we find that Lord Cranworth has prepared Bills to consolidate the laws relating to the registration of births, &c., in England; the laws relating to aliens; the laws relating to executors and administrators; the laws on bills of exchange and promissory notes; and the important laws relating to marriages. These five Bills were yesterday issued in print, pending their consideration by the House of Lords in Parliament assembled.

PALACE OF PARLIAMENT.—Though the new Houses of Parliament properly belong to the department of Public Works and Buildings, yet the decorations and the frescoes which adorn the interior bring them within the dominion of art, and they are to be executed under the direction of the Commissioners of the Fine Arts. Mr. Daniel Maclise is to receive £3,500 for two large frescoes, to be painted in the lower part of the walls of the Royal Gallery. The subjects are to relate to the military history and glory of the country. One compartment is to illustrate "Waterloo, the Meeting of Wellington and Blucher;" the subject of the other is, "Trafalgar, and the Death of Nelson." In the Peers'

robing room the subject is scriptural, being "Justice on Earth, and its Development in Law and Judgment." This work is entrusted to Mr. John Rogers Herbert, and the appropriation is £9,000. In the Peers' Corridor Mr. Charles West Cope will depict the "Great Contest which commenced with the Meeting of the Long Parliament, and terminated in 1689." This corridor contains eight compartments, and each fresco is valued at £600. These are the principal items. According to Sir Charles Barry's report "the only works remaining to be done to complete those which have been sanctioned, are the furnishings and decorations of the official residences for the Usher of the Black Rod and Librarian of the House of Peers, the remaining work of restoration in St. Stephen's Crypt, the south landing-place, steps to the river, and enclosure connected therewith, and the laying of the enclosures at the north and south ends of the building, the ornamental iron-work, and flag-staff on the top of the Victoria Tower, and miscellaneous works, including ornamental metal-work and stained glass in various parts of the new palace." It is some consolation to know on a long journey that we have the terminus in full view, and the public will rejoice to hear that this protracted work is approaching its completion; though we are not unreasonably alarmed, after the long enumeration of items, to encounter the very vague appendix of "miscellaneous." We must also observe that, for works not under the direction of Sir Charles Barry, there is an estimate of £54,525. —*Herald.*

ATKINSON, THE ALLEGED CRIMINAL LUNATIC.—Our readers will recollect the trial of James Atkinson at the York assizes last year, for the murder of Mary Jane Scaife, and his subsequent acquittal on the plea of insanity, on the evidence principally of Dr. Forbes Winslow of London, and Dr. Caleb Williams of York. These physicians were exposed to severe criticism for the testimony they gave in behalf of the prisoner. It was alleged at the time that Dr. Winslow and the other medical witnesses had by their evidence misled the jury, and had thus produced a miscarriage of justice by mistaking a case of *feigned* for one of *real* imbecility. The following statement, which we copy from the *Daily News*, respecting Atkinson's present mental state, fully confirms, in our opinion, the justice of his acquittal, and the soundness of Dr. Winslow's estimate as to his insanity when he examined him in York previously to the trial. Since his acquittal, Atkinson has, says the *Daily News*, "remained at the Castle, and has lately been very violent, attacking indiscriminately the governor, officers, and prisoners who happened to be near him. Within the last week he inflicted some severe injuries upon a man who is confined along with him. They had had some words, when Atkinson struck the other prisoner most unmercifully, and inflicted some bruises upon him. There is no doubt the affair would have ended much more seriously if one of the prison officials had not interfered and separated the parties. In all probability, these passionate outbreaks will cause Atkinson's removal to another place of security." The anticipations of the *Daily News* are now found correct, and Atkinson has been, in consequence of his violent conduct, transferred to a lunatic asylum in London. Surely results like these should make the non-medical critic a little more cautious in going counter to the opinions expressed by medical men of great experience and of admitted sagacity.—*British Medical Journal.*

BENEFICES AND ECCLESIASTICAL PATRONAGE.—A return of all benefices to which permanent augmentations have been made by the Ecclesiastical Commissioners out of their common fund, giving in each case the patronage of such benefice, whether public or private; also, a return of all cases of patronage which the Ecclesiastical Commissioners have consented to transfer, either in perpetuity or for one or more nominations, in consideration of the building of a church or parsonage-house, or of an endowment being wholly or in part provided, &c., have been printed by order of the House of Commons. The details fill a Parliamentary paper of 34 pages.

GREAT SALE OF LANDED PROPERTY.—A portion of the extensive landed estates of the late Earl of Orford were offered to public competition last week, the sale concluding on Thursday. The property, which is situated in Twetshall, Saxthorpe, Briston, Corpusty, Burnham, and one or two other villages in Norfolk, was offered in 81 lots, and of these only nine were bought in. The entire amount realised, deducting the lots bought in, was £147,939. The general price obtained for the land ranged between £30 and £40 per acre; but one parcel of thirty acres sold for £2,110, and a farm of 244 acres, with buildings, &c., for £12,100. Other lots also made high prices.

Communications, Correspondence, and Extracts.

EXAMINATION OF ARTICLED CLERKS.

To the Editor of THE SOLICITORS' JOURNAL & WEEKLY REPORTER.

SIR,—The proposed alteration in the present system of "examination" is hailed by myself, in common I believe with many others in similar case, as at once conducive to a more satisfactory mode of testing the ability of those about to enter the profession, and a boon to the student as the subject of the ordeal.

It is undeniable that the mere manual process of writing full and explicit answers to questions propounded on five different branches is physically a labour more than sufficient to expend the energies and occupy the allotted period; but to devote any length of time to calm reflection, or to bestow any degree of care in the composition, is well nigh impossible. Crude and superficial answers, loosely and inadequately expressed, must be the inevitable result of the condensation of such a mass of learning within the limits of one short day; and it is needless to observe that such premature, and consequently undeveloped, productions of the brain partake of the nature of hastily-formed conjecture; and depending, as they do, chiefly on firmness of nerve and presence of mind, can afford no true index to the real knowledge or attainments of the student.

But were the proposed change effected, and the examination extended over two days, what a new and improved state of things, bringing with it increased efficiency, would necessarily follow! The student could then bring to bear every faculty of thought and attention, with calm deliberation, upon the subjects before him; recollection, no longer stupefied under the pressure of very limited time wherein to work, would have scope for its legitimate exercise, and he would do justice to himself. Careful study and honourable emulation would then find their full effect in the higher tone which would be speedily noticed in the results of the examination, while the gentlemen who undertake to preside on such occasions would find less difficulty in summing up the respective merits of the candidates, and in deciding upon those whose perseverance or talent may have entitled them to the recognition awarded to the "distinguished."

The amalgamation of the questions in the bankruptcy and criminal departments are no less steps in the right direction, but I forbear to enlarge upon this point in the fear of trespassing upon your valuable space. The interest which you take in the welfare of the profession, and of those who, like myself, are aspiring to be reckoned among its members, is my excuse for thus troubling you, and induces me to entreat your powerful advocacy to effect the early adoption of this new system into the examination.—I enclose my card for your satisfaction, and am, Sir, your obedient servant,

HILARY TERM, 1860.

LIABILITIES OF AMERICAN AND BRITISH SHIPOWNERS.

The following memorial of the merchants and shipowners of New York was submitted to a meeting of the New York Chamber of Commerce, on the 29th June, in order to be presented to the President:—

To his Excellency James Buchanan, President of the United States.

SIR,—The undersigned merchants and shipowners of the city of New York respectfully ask your intervention, for the purpose of relieving American shipowners from liabilities, to which they are unjustly exposed in consequence of the existing laws of Great Britain in reference to maritime losses and disasters, especially those occasioned by collision.

The undersigned are informed that the attention of the British Government has already been called to this subject by merchants in England, engaged in commerce with this country, and they cannot doubt that an examination of the facts would at once induce a concurrence of views and action between the two Governments.

By the British Merchant Shipping Act of 1854, the liability of a shipowner for loss or damage to life or property, occurring without his actual fault or privity, is limited to the value of the ship and her freight. [See c. 104, 17 & 18 Vict.]

The principle upon which this law proceeds is obviously just and equitable, and it coincides with the provisions of our own statute limiting the liability of shipowners in such cases. [See

Act, March 3, 1851, 9 United States Statutes at Large, 635.] It has, however, been held by the English courts, in judicial decisions in cases involving the construction of the Act first above referred to, that it applies only to recognised British vessels, and that American owners (notwithstanding the limitation of liability secured to them by the law of their own country), are not entitled to the benefit of the English statute, but are responsible to British subjects to an unlimited extent, for the consequences of the disasters embraced within the purview of the statute.

It will be apparent at once that in this state of the law the very evils which the British Shipping Act and the Act of Congress above referred to were intended to prevent, still exist in respect to all American vessels and their owners incurring liabilities to British subjects, and by parity of reasoning to all British vessels and their owners incurring liabilities to American citizens. Any American, owner of an interest, however small, in a vessel which, by reason of collision with another, should be held liable, might thus be compelled to respond in damages to the extent of the entire loss, however great. No prudent man would be willing to be engaged in commerce at such risks, especially as no vigilance or foresight on the part of owners can guard against the danger of collision —a peril of the seas which the constant increase of navigation by steam as well as sails continually augments.

The interests of our commerce imperatively demand that some relief should be afforded against the liabilities to which we refer, and that the equitable principles already recognised by both England and the United States in respect to their own shipping, should be made a part of the international law of the two countries.

In hope that this simple statement of the case will be sufficient to secure your early and favourable attention to this subject, so important in its practical relations to our extended commerce, we have the honour to be your most obedient servants,

Goodhue & Co.	Alsop & Chauncey.
Grinnell, Minturn, & Co.	Williams & Guion.
E. E. Morgan.	Maitland, Phelps, & Co.
N. L. & G. Griswold.	C. H. Marshall & Co.
W. Nelson & Sons.	A. A. Low & Brothers.
W. Whitlock, Jun.	Spofford, Tileston, & Co.

New York, June 24, 1859.

SLAVE-OWNERS IN ENGLAND.

(From *Burn's Colonial Circular.*)

Our readers, and especially the British colonists, will be astounded to hear that the slave-trade has been at last carried on in the very heart of the City of London. Nor would it have been brought to the knowledge of the public, had it not been under the peculiar circumstances of the Brazilian purchaser having brought an action in our Court of Common Pleas against the seller for a breach of contract.

The facts of the case are, that a company was formed in London for the purpose of working mines in the Brazils with slave labour, and it appears from the trial, that after the coming into operation of the Act of the 5 Geo. 4, c. 113, but before the 6 & 7 Vict. c. 98, they purchased slaves in the Brazils for the purpose of their being used and employed in that empire; further, that these British subjects domiciled in Great Britain retained these slaves and their offspring until and after the passing of the 6 & 7 Vict., c. 98, when they contracted to sell them with their offspring (born subsequently to that statute) to the plaintiff.

Now it further appears that the company became insolvent, and an order for winding it up was made by the Court of Chancery, and instructions given that the property and effects of the company should be sold; but afterwards arose the question as to what was to become of the slaves? Upon this, application was made to the Lords Justices, who, strange to say, made an order that the slaves, and the children of those slaves, should be sold to any person not being a subject of Great Britain; and on the strength of this order of the Lords Justices, one of the directors, an Englishman, and a resident of the City of London, went over to Brazil, and at once entered into a contract for the sale of the slaves and their children, to the plaintiff, a Brazilian. But very fortunately coming to the ears of our British consul at Rio de Janeiro, and who happily having a better knowledge of the laws of his country than my Lords Justices, and a higher feeling of humanity than the citizen of London (a director in the honourable Brazilian Mining Company), stopped their proceedings, and sternly intimated that if such contract was attempted to be carried out he would place him on board the *Antelope*, a ship of war, and send him home for trial. Subsequently, however, the Brazilian, a Mr. Santos, takes proceedings in this country against the company for non-fulfilment of their contract, as made on their behalf by the nameless director, and which, we are happy to add, has met with a verdict for the defendants, not with any feeling of respect for the latter, but that it will be the means of the slaves obtaining their freedom. Yet, there is one point to be noticed in the judgment of Mr. Justice Willes, which certainly shows a want of discretion on the part of the Lords Justices, viz. "It had been urged on us that this contract of sale was entered into under an order of the Lords Justices, for whose authority we entertain the most profound respect; but it does not appear the matter was discussed before those learned judges, or that the order had the sanction of their deliberate opinion." What are we to infer from this? Did they sanction such an order blindfolded, or without entering into a discussion upon the merits of the case? We are really led to believe so from the words of Mr. Justice Willes, which followed, "of course, the order itself is no justification for an illegal act."

But the next questions for consideration are,—What is to become of the slaves, for they are to all intents and purposes free? They were illegally bought by British subjects, nor can they be legally sold by them; therefore, instructions ought to be immediately sent out to our consul at Rio, to declare, on the part of Great Britain, free, or to take possession of them at once, and to ship them to one of our colonies as free labourers, for if they are left in Brazils, under present circumstances, their position may be anything but pleasant. What is to be done with the directors of the Brazilian Mining Company? Are they not to be brought to justice, for being in possession of illicit property, or are they to be allowed to sneak out of such a disreputable act, which they have committed in defiance of the laws of their country, and not meet with their due reward? At any rate, we hope Lord Brougham will not let the matter rest where it is, for it has already cost this country too much money in the endeavour to put down the slave-trade abroad, to allow its being carried on in its metropolis unpunished. And lastly, too much commendation cannot be given to our consul at Rio, for so praiseworthy an act, even in defiance of the order of the Lords Justices, in preventing one of the deepest stains being placed upon the sceptre of our Queen, by a sale of slaves in Brazil, under the sanction of the law officers of the Crown, and which merits the special attention of our foreign secretary.

LAW OF CIVIL DEATH IN FRANCE.

(Correspondent of the *Manchester Examiner*).

A few weeks ago, those who happened to look at the reports of the Insolvent Debtors' Court might have observed amongst the names of applicants for protection from Mr. Commissioner Murphy, that of a son of one of the leading ministers of the Emperor Louis Napoleon; but more than this they would not have discovered. I heard, however, some particulars of the case the other day; and as the story is not a bad one, and illustrates rather curiously the way they do things in France just now, it may be worth while detailing them. The origin of the young gentleman's difficulties—in London at any rate—was the old story. They flowed from a too chivalrous intervention in the affairs of a certain lady. Mademoiselle So-So was some years ago an actress at one of the minor theatres in Paris, and while so engaged managed so to enthral the affections of a young gentleman much her junior that he ran off with her to England, and there married her. However, when they returned to France, the relations of the young man soon had the knot untied, so far as France was concerned, on the ground that the formalities and consents requisite by the French law had not been gone through and obtained. The lady is, therefore, in the anomalous position of being unmarried in France and married in England. Some little time since she formed a tender friendship with the son of the minister, and for reasons, into which we must not pry too curiously, they seem to have been very desirous that the lady should be perfectly free to form what ties she liked in England. Here they accordingly came in order to appeal to Sir C. Cresswell, for his assistance in dissolving the former marriage. The prosecution of this suit was assigned as the cause of the young gentleman's appearance in the other less fashionable court. And now comes the point for which I have principally thought it worth while to tell the story. They have, amongst our neighbours, a judgment of "civil death." The effect of it is to disable a man from fulfilling any of the duties or enjoying the rights of citizenship, from holding property, from suing for debts due to him, or from being sued for those that he may owe. And it seems that, if a gentleman comports himself in a reckless kind of way, sows too many wild oats, and generally makes

himself disagreeable to his friends, the latter may call a family conclave, and then get the tribunal to relieve them from any further responsibility in the matter, by declaring their relative civilly dead. Of course, when the decree is published, it operates as a notice to all not to trust him, and those who do, with knowledge of his position, can hardly complain if they lose their money. But, in this instance, the decree, which embodied a most interesting and copious, though by no means flattering biography of our young friend, and then stated that, in compliance with the requests of his friends, he was henceforth to be considered as civilly dead, concluded by ordering that, out of respect to his family (that is to say, of his father), the decree should not be published, but kept secretly in the chancelleries; so that, under the present régime, the administration of the law in France has come to this, that, in order to please a minister, a decree is concealed, and a young man virtually sent forth into the world free to contract debts, but without the slightest responsibility of paying them, and in order to enable him to make the best of such a position, every one is kept in ignorance of his disqualification. This precious document was actually sent over to England under the impression apparently that our Courts would recognise it as a bar to English debts. It never, however, saw the light here. And the only other item in the case worth noticing is, that when the English newspapers, which contained a brief statement of the application for protection, reached France, a telegraph order was immediately sent to England forthwith to prosecute the *Times* for venturing to publish it. Need I say that the experienced old attorney to whom the order was despatched did nothing of the kind. Take the case altogether, it is not a bad illustration of the ideas that are current in high quarters in France with respect to the supremacy of the law and the liberty of the press.

The Law of Attorney or Solicitor and Client.*

(By J. Napier Higgins, Esq., *Barrister-at-Law.*)

Several useful treatises on the law of attorneys and solicitors have already been written, but none devoted to the law of attorney and client, or which affect to treat, except in a very cursory manner, any of the subjects which are properly included under the latter head. The object of this series of papers will be to touch as lightly as possible whatever has been already attempted, and to discuss at any length only what hitherto has been thus passed over by text-writers. During the last few years there has been such an unusual number of important decisions (especially by courts of equity) affecting the relations of attorney and client, that it would now appear to be time to bring together all the reported cases belonging to this branch of the law, with a view of deducing therefrom some principles which may serve practitioners as rules for their guidance in the conduct of their business. Inasmuch as some of those principles have been established less from a regard to natural justice than to refined considerations of expediency or public policy, and are therefore in their nature somewhat arbitrary, it is obviously the more necessary that those whom they principally affect should be familiar with them, so as to be reminded readily of their existence when occasion requires. Rules which are neither easily discoverable by the light of reason, nor immediately suggested to us by our moral nature, but which nevertheless have frequent application to the business of our every-day life, are certainly worthy of careful study, and ought to be reducible to such a form as to be apprehended and borne in mind without difficulty. Such are the results of the decisions of our Courts, especially of courts of equity, as to the effect of the fiduciary and otherwise peculiar relations which exist between an attorney and his client.

By an attorney, of course, it is here intended only to refer to that branch of the legal profession which is so designated, viz. an attorney-at-law. We have nothing to do with the head of law which relates to attorneys in fact, as contradistinguished from attorneys-in-law; or to the special letters or powers, whereby persons are appointed attorneys for particular purposes not requiring the intervention of lawyers.

Mr. Justice Story, in his work on the Law of Agency,† classes both attorneys-in-law and attorneys-in-fact among the different kinds of agents, and describes the former as "those persons who are ordinarily entrusted with the management of suits and controversies in courts of law and other judicial tribunals, answering to the *Procuratores ad litem* of the civil law in many particulars, although not perhaps in all respects clothed with as extensive an authority."

An attorney is defined in Bac. Abr., tit. Attor., to be "one set in the place of another, and is either public, whose warrant is talis ponit loco suo talem attornatum; or private, who has authority given him to act in the place or stead of him by whom he is delegated, in private contracts and agreements." According to Blackstone, 3 Bl. Com. 25, an attorney-at-law answers to the procurator or proctor of the civilians and canonists; "and," he adds, "he is one who is put in the place, stead, or turn of another to manage his matters of law." Mr. Merrifield (Law of Attor.), in a learned note on the subject, traces the similarity between modern attorneys and solicitors and the Roman pragmatici, but, for all practical purposes, contents himself with defining an attorney as "an officer of a court of record, legally qualified to prosecute and defend actions in courts of law on the retainer of clients." This definition, however, excludes all that very numerous class of transactions, which, though they usually occasion the employment of a professional adviser, do not necessarily involve, or relate to, either present or future litigation. There are, moreover, a number of statutes which confer peculiar rights and privileges upon attorneys exclusively, or in connexion with other branches of the legal profession, and which extend the proper sphere of attorneys far beyond the conduct of litigation in courts of law. Thus, by the 14th section 44 Geo. 3, c. 98 (which is not repealed), it is enacted that every person who shall, in expectation of any fee, &c., draw any conveyance or deed relating to real or personal estate, other than barristers, solicitors, attorneys, and certain other persons there described, shall be liable to a penalty.

Of late years, also, that part of an attorney's business which is not litigious has been very much enlarged by the great increase of public companies and incorporated bodies, which, for the most part, appoint an attorney whose services are retained permanently, not merely for purposes of litigation, but for the general management, conduct, and care of their legal business; to insure the proper discharge of their legal obligations, and the assertion or enforcement of their legal rights in the manner pointed out by the Act of Parliament, charter, or other instrument, as the case may be, under which they are incorporated, or by which their proceedings are to be regulated.

It will, therefore, be necessary always to bear in mind the distinction, already pointed out, between the position and duties of an attorney as the agent of, or substitute for, another in an action or suit; as a professional adviser and assister; and as a professional agent for purposes which do not necessarily involve, or relate to, any proceedings in a court of law or equity. Perhaps the division here suggested is sufficient for the purpose of the present series of papers, and may enable us hereafter more easily to understand and reconcile some apparently conflicting authorities affecting the law of attorney and client.

Adopting this division of the subject-matter, let us first turn our attention to what properly belongs to the first-mentioned head. What constitutes the character of an attorney in an action or suit before our judicial tribunals? When and how do his duties and obligations commence, and what are they? When and how do they terminate? What are his rights towards his client during the continuance of the litigation, and after its termination: and vice versâ, what are the client's rights towards him? Has he any, and what, control, as against the will of his client, over the existence, the continuance, or the manner of the proceeding? How far is he, or who is, dominus litis? These, and many other questions of like importance, belong to the first branch of our general subject.

Proceedings before Judicial Tribunals.

Retainer.—The most complete and conclusive evidence of the existence of the relation of attorney and client, for the purpose of litigation, is the written retainer of the latter. Therefore, before commencing proceedings in any court of law or equity, a prudent attorney will take care to have his client's written retainer authorising him to do so; or, at all events, such unquestionable authority as he can easily prove otherwise than by his own evidence. According to ancient practice, the client gave a warrant of attorney, enabling the attorney to appear and act for him in the cause, and such warrant was first entered on the roll of the court.

* For the sake of brevity, I shall use the term attorney only throughout this series of papers, unless where the subject matter relates specially to a solicitor as distinguishable from an attorney.

† Chap. iii. ss. 24, 25.

It is not necessary, however, that an authority to institute an action at law (*Owen* v. *Ord*, 3 Car. & P. 349; *Connors* v. *Kennedy*, 6 Ir. L. Rep. 127; *Vincent* v. *Bodurdo*, 2 Keb. 199), or a suit in equity (*Lord* v. *Kellett*, 2 Myl. & K. 1; *Wiswould* v. *Goetze*, id. 3, n.; *Wiggins* v. *Peppin*, 2 Beav. 403), should be in writing, although the contrary has been attempted to be inferred from some observations of Lord Eldon, in *Wilson* v. *Wilson* (1 Jac. & W. 459). His Lordship there observed, it was settled that, "if the plaintiff denies, and the solicitor asserts, authority to have been given, and there is nothing but assertion against assertion, the Court will say, that the solicitor ought to have secured himself by having an authority in writing, and that not having done so, he must abide the consequences of his neglect." In *Wright* v. *Castle* (3 Mer. 12), Lord Brougham remarked, that the fair inference from this language was not that an authority to institute a suit might not be by parol: "the authority for filing a bill might be by parol, as well as in writing, and in the former case, it might be proved by circumstances and by the subsequent conduct of the party." It is obviously, however, only a prudent precaution that ought to be adopted by every attorney before bringing an action or commencing a suit in equity, first, to obtain the written direction of his client to do so; for if he does not, the onus of proof will be cast upon him; and if there be any doubt on the matter, the Court will hold him liable, *Owen* v. *Ord* (3 Car. & P. 349); *Atkinson* v. *Abbott* (3 Drew. 254); *Pinner* v. *Knights* (6 Beav. 174); *Hood* v. *Phillips* (Ib. 176).

A cautious practitioner will also be careful that the retainer is a proper and explicit authority for what he is about to undertake. Thus, a retainer to proceed against executors who had neglected to prove the will to compel probate, and take such other proceedings for obtaining an account as might be necessary, has been held not to be a sufficient authority to institute a suit in Chancery, *Atkinson* v. *Abbott* (3 Drew, 251). An authority from the principal to an attorney to appear for the principal and his bail is not good for the latter: *Chivers* v. *Fenn* (2 Show. 161); nor is it sufficient to have the authority of a landlord to appear and defend an ejectment in the tenant's name: *Roe* v. *Doe* (Barnes, 39). So, an authority to proceed for the recovery of a debt due from a party does not sanction opposing his discharge in the Insolvent Debtors Court: *Drake* v. *Lewin* (4 Tyr. 730). In *Tabram* v. *Horn* (1 Man. & Ry. 228), a lady gave papers to an attorney, saying that she was entitled to an estate, and would pay him if she recovered it: upon which he said he would do what he could for her; and having, without further communication with her, commenced an action of ejectment, which he afterwards abandoned, it was held that he acted without due authority, and was not entitled to his costs. "He was not," said Lord Tenterden, C.J., "justified in running the defendant to expense without her express authority;" and Bailey, J., construed the instructions to mean only an inquiry into the title, and not to commence proceedings. In *Dawson* v. *Lawley* (4 Esp. 65), however, Lord Kenyon held that, where an award directed a person to pay a sum of money, and that he and the other party should execute mutual releases, whereupon he gave the money to an attorney, with directions "to do the needful," the attorney was entitled to recover the costs of preparing the release. Of course a warrant of attorney, cognovit, or judge's order, to enter up judgment, is sufficient, without express authority for that purpose, to enter an appearance, or take any other necessary preliminary step. *Richardson* v. *Daly* (4 M. & W. 384). Although there must be a special authority to institute a suit, a general authority is sufficient to enable an attorney to defend one. *Wright* v. *Castle*, sup.; *Buckle* v. *Roach* (1 Chit. 193).

Effect of acquiescence where no formal retainer.—The acquiescence of a party in the acts of an attorney professing to act for him may, under certain circumstances, be fully equivalent to a formal retainer. Thus, when the plaintiff in an action at law was employed as a solicitor to conduct proceedings in Chancery, after which the defendant married one of the parties to the suit, and eventually received a proportionate part of the property in dispute in right of his wife, under an order of the Court, the Court of Common Pleas held that he was liable to pay the plaintiff his proportion of his bill of costs, although there had been no retainer by the defendant. It was argued on behalf of the latter, that as he was not originally a party to the suit, and as he was entitled to receive what he took under the decree as a legatee, and not as a party, he was not responsible to the plaintiff for any proportion of the costs of carrying on the suit. But the Court of Common Pleas held the contrary; inasmuch as the defendant became a party to the suit upon his marriage, and acquiesced in the proceeding, up to the decree, under which he took a share of the property in question: *Gray* v. *Wainman*. In *Hall* v. *Laver* (4 Y. & C. 216), it was argued that if a suit were instituted in the name of a party without his consent, and the suit being otherwise a proper one, the solicitor gave notice to the plaintiff of the same, and the plaintiff did not require it to be stopped, it would be incompetent for him afterwards to say at the hearing that he did not institute it. Alderson, B., however, considered that there was no authority for such a proposition, and observed that he should be much alarmed if it were true, as it would be raising a contract out of doing nothing. It is a different question whether the non-interference, and so far the acquiescence of the person whose name had been used as plaintiff, would not give the *defendant* a claim against him; but the attorney's claim must be founded on contract, and there must be such acquiescence on the part of the alleged client, as will amount to proof of contract, where there has been no original retainer. See *per* Alderson, B. (4 Y & C. 221), upon a rehearing before Sir James Wigram, V.C. (1 Hare, 571), his Honour agreed with the view taken by the Court of Exchequer. The mere circumstance, therefore, that a co-plaintiff, after notice of a suit, does not take any active steps to have his name as plaintiff struck out of the record, is not conclusive, as between him and the solicitor, of the adoption of the suit, though it may be of his liability to pay costs as between him and the defendant, if the suit fail. In *Re Manby* (3 Jur., N.S., 261), Sir J. Stuart, V.C., adopted and applied this rule.

If there was an explicit retainer to commence a suit, and the plaintiff has been from time to time informed of its progress, it does not appear that the Court will require the same evidence of express authority as to subsequent steps. Thus, a solicitor received proper instructions, in 1831, to file a bill for administration on behalf of a woman then unmarried; in 1836, on her marriage, the solicitor, after communication with the proper parties, filed a bill of revivor and supplement. In 1848, he wrote to her (then a widow) for information as to the death of a party, which she supplied, and expressed her hope that then might be an immediate distribution. In 1849, he filed a bill of revivor and supplement, and subsequently a supplemental bill, in both of which the lady was a co-plaintiff. Shortly afterwards, she moved that her name might be struck out, the bills having been filed without her consent or knowledge. The V. C. of England dismissed the motion, being of opinion that the case was not governed by decisions, in which the question was, whether there was authority to commence a suit. *Bewley* v. *Seymour* (14 Jur. 213).

Where an attorney has been already employed in a matter, a party who intervenes and continues to employ him may, in some cases, be in the same position as if the intervening party had given the original retainer. Thus, where a solicitor, who had been originally retained to sue out a commission of bankruptcy, was continued by the assignees, they were considered to be in the same position in regard to him as if they had originally retained him: *Tarn* v. *Heys* (1 Stark. 278).

If the evidence as to retainer be conflicting, and the question is raised before the taxing master, it does not appear to be settled whether that officer has the power to determine the question; or whether the question is purely one of law, which the attorney is entitled to have tried in the ordinary way, by an action at law. *In re Clark* (1 De G. M. & G. 51; s.c. 13 Beav. 173), Lord Cranworth inclined to the latter opinion.

(*To be continued.*)

LOAN SOCIETIES.—The accounts of loan societies in England show that the amount actually advanced and paid by depositors or shareholders in 1858 was £86,050; the sums in borrowers' hands on the 31st of December, 1858, £264,473; the amount circulated in 1858, £473,222; the number of applications for loans in 1858, 109,114; the number of borrowers to whom loans were granted, 9,564; the amount paid for interest by borrowers or sureties, £29,821; the gross profits, being amount received from borrowers and money paid for forms of application and inquiry, in 1858, £41,062; the expense of management in 1858, £11,878; the interest paid to depositors and shareholders in 1858, £14,677; the net profits, £4,343; the number of summonses issued 10,250; the number of distress warrants, 833; the amount for which summonses were issued, £20,815; and the amount actually received, £15,722; the amount of costs incurred by the societies in 1858, £1,908; and the amount of costs paid by borrowers or sureties £1,605

The Provinces.

DUDLEY.—*Magisterial.*—There seems to be considerable difficulty in this district in getting together a quorum of magistrates for the transaction of the business of the petty sessions. Although the justices of the peace are not at all limited in number, nevertheless it frequently occurs that cases are postponed for two or three days in consequence of the non-attendance of magistrates to adjudicate upon them. On Wednesday, the 20th inst., there was only one magistrate attended, although there were about twenty-five cases to be heard. Of these fourteen were such as required the attendance of two magistrates, and of these fourteen, thirteen had been adjourned from Monday in consequence of the non-attendance of two magistrates on that day. The complainants, defendants, and witnesses in the cases that were adjourned, naturally complained of the additional expense they were put to in consequence of this non-attendance of justices, and the general feeling is in favour of the appointment of additional justices, or the appointment of a regular stipendiary magistrate for the district.

DURHAM.—*The Magistracy and Coroners' Expenses.*—At the inquest held at Jarrow, on the body of a woman who was alleged to have been murdered by her husband, the coroner, J. M. Favell, Esq., took occasion to make a few remarks on the nature of his office, and the manner in which the magistrates had thought proper to dictate to him the nature of his duties. The coroner said, that it was well known that he was appointed to his office as coroner by the freeholders, who look after all cases of death resulting from violence or other causes, as well as all cases of death arising from unknown causes, so that all suspicion might be cleared away from persons suspected. It was of the utmost importance that the public should be satisfied whether or not a person had come to his death through the negligence of others. The coroners, in fact, had to clear the innocent as well as punish the guilty. He was now refusing to hold a great number of inquests, because he was refused payment by the magistrates, and he thought he was justified in doing so. The magistrates had actually refused him his fees in several coal-pit and railway accidents, because, they said, such things would occur, and there was no occasion to hold inquests. When he sent in his last account, recently, the magistrates struck out his fees for holding an inquest on the body of a person who was found dead under a coal-heap. The reason assigned for this was, such things would occur, therefore it was no use holding an inquiry. A person coming from his work in a dark night was smashed upon the railway, along Victoria Bridge, by a train. An inquest was held, and the magistrates refused him (the coroner) his fees in that case. The coroner stated several other instances in which he had been deprived of his fees by the magistrates. If he refused to hold an inquest he was liable to be punished by imprisonment, or dismissed his office, by command of the Queen. The coroner then went on to enumerate several instances in which he had held inquests on cases of accidents, in which the evidence went to show that no blame was attached to any one, in all of which cases the magistrates "docked" his fees, on the ground that the parties to whom the accidents happened were themselves to blame. The magistrates also refused to pay for holding inquests in cases of children who had lost their lives through being burned and scalded, no matter whether such accidents had occurred through the negligence of the mothers. The magistrates had come to the resolution of only allowing fees in such cases where there was every reason to believe that a person had met his death by his own hands or at the hands of another person. He contended that coroners were not appointed by the magistrates, but they were the officers of the working people of the country. So long as society continued to exist, deaths would occur from various causes, and it was for the people at large to say, whether they wished for the office of coroner to be kept in force or done away with. He did not care which way it was, but his own opinion was that the office should be performed efficiently, without magisterial interference. He had continued to hold inquests, irrespective of his fees; but when he told the public that he had ridden 400 miles to attend twenty-two inquests—only one of the deaths arising from natural causes—without a halfpenny of expenses being paid, no person could blame him for not holding many inquests. He ought to-morrow to attend an inquest fifty-two miles off, on a person who had been found dead in bed, but he had refused. If, in this or any other case, he had got a committal he would be paid, but if not his fees would be docked. Another person had been killed on a railway, a long way off, but he would not hold an inquest, as the magistrates had resolved that they would not pay for railway accidents; therefore he would not go. He made these explanations that the public might thoroughly understand that he was not neglectful of his duties. They would now know his reason, and he thought the public would justify him in the course he was pursuing. The police made out a report of every case of death resulting from accidents or otherwise, for the guidance of the coroners, and they also made out a duplicate copy for the magistrates. The magistrates always take the police reports in preference to the coroner's, and if they see that no blame had been attached to any one for the cause of death, they "docked" the coroner's fees. If an accident occurred to a person, from the cause of which he died a few days afterwards, if an inquest was held, the coroner's fees were not allowed. He thought the judges of the land would say that this was no valid reason why an inquest should not have been held. A man died not long ago, as it was supposed from apoplexy, but a rumour having been spread that he had been poisoned by his wife, the body was disinterred, and an inquest was held, when it was ascertained that the man had poisoned himself. Even in this case the fees were not allowed. It was not every policeman, taken from the plough, that was competent to make out a report, according to the magistrate's question. As an instance, he stated that a policeman was once asked who had given him the information respecting a colliery accident, when he coldly replied, the overman—the very man who ought to have looked over the works—yet the policeman finishes his report with, "No blame." He made these remarks just to show how public affairs of the utmost importance were carried on. Out of twenty-two inquests which he presented for payment at the last quarter sessions, seventeen were deducted. He had refused to hold inquests over eleven other deaths which were reported, which should, in his opinion, have been held, because he knew the magistrates would not pay for them. Only lately he had been away from home a fortnight, during which time his deputy had held three inquests and refused six. Since he had been at home he had refused three. Therefore, if anything occurred in which it was supposed that he was negligent of his duties, the public would be satisfied from the facts which he had stated that the cause rested not with him, but the magistrates. He was glad to say that an application had been made to the Secretary of State for the Home Department, and he trusted that in the next session of Parliament something would be settled. It was not very likely that he was going to sit at an inquest like the present for two days and only get £1, when the little cases were taken from him. He had suffered a loss of £230 per year, besides keeping his own horse, in consequence of the deductions made by the magistrates. On account of the duties of his office becoming every year more arduous, he had given up his business; but now his fees were taken from him without any reason.

HANLEY.—*Appointment of Clerk to the Magistrates.*—At a meeting of the justices recently appointed for this borough, held on the 29th ult., Mr. Ralph Stevenson, solicitor of that place, was unanimously appointed clerk to the bench.

NEWCASTLE.—*County Court.*—Another of those Scotch drapers' cases which occupy so much of the time of county court judges was heard on Tuesday, in the Guildhall. A pitman, named Robson, who had been forty days in prison for a debt contracted with a draper, named M'Keand, was brought up on a judgment summons, but it being ascertained that since the last hearing the case had been sold to another person in the same trade without any legal assignment, the deputy-judge dismissed the summons, remarking that he could not allow the judgments of the court to be hawked about in that fashion, or permit parties to speculate in them at a small price with the intention of putting on the screw, and sending the unfortunate person to gaol.—*Newcastle Chronicle.*

OXFORD.—*Abolition of the Mayor's Oath to the University.*—The mayor and sheriff of the city, accompanied by Alderman Thorpe, councillors Thompson, Hughes, and Underhill, waited upon the Vice-Chancellor on Friday, at Pembroke College, and took their usual oath of fealty to the university, on the agreement by both bodies that for ever afterwards it should be abolished. Had the university granted this concession a few years ago, it would probably have saved the city £1,000 in law expenses.

SUNDERLAND.—*The Sunderland Borough Justices and the Brewster Sessions.*—The Mayor of Sunderland, with the justices and their clerk, on the one side, and the county justices and three or four local lawyers on the other side, are engaged in grappling with the disputed right of the borough justices to

sit at the Brewster Sessions and take part in the ordinary business of that court. The question has now been in an active state of agitation for more than two years, and, indeed, several years ago counsel's opinion was taken on the point by Mr. Kidson, clerk to the county justices, who affirmed the exclusion of the borough justices from the sessions. Last year the question was raised by the mayor, but without establishing the right claimed; and this year it has been again opened by the present mayor with a similar result. At the council meeting last week the mayor stated in detail the steps he had taken to establish the alleged right of himself and the other borough justices to attend and adjudicate on the granting of licenses at the sessions appointed to be holden on the 27th proximo, and informed the council that the question had been formally submitted for opinion to Mr. Thomas Chitty, and in the event of that counsel's decision supporting his view he should attend the sessions, and take part in the adjudications. Mr. Chitty's opinion arrived in Sunderland on Friday, and that opinion gives the case an entire new complexion. The local lawyers had by their antagonisms and nice shadings of diversity of opinion supplied a capital modern instance of the "confusion of tongues;" and Mr. Chitty improves the previous position of the respective parties to the dispute by negativing one set of opinions, and affirming another, and by introducing also a new element into the dispute. Mr. Chitty's opinion gives the borough justices the exclusive right of granting licenses for houses situate within the borough, and denies the legality of the public notice issued by the county justices as regards all such licenses. In this complex state of affairs, what course the borough justices will take we are unable to state, but if they act on Mr. Chitty's opinion, it is possible that they will without delay (provided there be time for so doing), appoint the day for holding a Brewster Session for the borough, and issue the notices forthwith.—*Newcastle Chronicle.*

TIPTON.—*The Petty Sessions.*—A meeting was held in this town on the 19th inst., for the purpose of taking into consideration the expediency of forming a petty sessional division of justices for this parish. It appears that Tipton, with a population of 28,000 inhabitants, has no petty sessions of its own, and prisoners are obliged to be taken to Wednesbury or West Bromwich to have their cases heard. A resolution was carried to the effect that proper steps should be taken to obtain a sessional division for the parish.

Ireland.

THE EMANCIPATION ACT.

THE CHANCELLORSHIP OF IRELAND.

The following paper has been printed, and, it is said, with the approval of three ex-Lord Chancellors:—

"As considerable doubt seems to have been raised on this matter, the following statement is given on authority, and can be sustained before a select committee:—

"The question turns on the correct understanding of the reason for exclusion from the several offices specified in the 12th section of the Emancipation Act, 10 Geo. 4, c. 7. This section appears in all the Bills which have been proposed for the removal of Roman Catholic disabilities, and was advisedly prepared and retained. It is founded on this, that in each and all of these offices *there is a delegation of the authority of the sovereign;* and if the sovereign must be Protestant, so ought each of the several persons to be Protestant who may hold these offices.

"It is conceded that the ground of exclusion is to be maintained in the case of all except in that of the Chancellor of Ireland; and it is said that in the case of the Chancellor of England the special reason is, that there is annexed to the office a large amount of church patronage.

"This is fallacious, if not unfounded. The 17th section of the Emancipation Act provides that, if Church patronage be annexed to *any* office in the gift of the sovereign, and that such office be held by a Roman Catholic, the patronage shall be administered by the Archbishop of Canterbury for the time being.

"Therefore, if a Roman Catholic should at any time become Chancellor of England, no practical objection could arise as to the exercise of patronage.

"This, moreover, shows *conclusively* that the question of patronage is not involved in the disability continued under the 12th section, which is altogether founded on the maintenance of the great compact involved in the Act of Settlement.

"The Chancellor is a great political officer of State. He takes precedence over peers, because he acts directly under the sovereign, and exercises functions on the immediate behalf of her Majesty, both as the head of the State, and as the supreme governor in matters ecclesiastical and spiritual.

"He appoints all the magistrates, and may supersede them at any time.

"He holds the Great Seal, which gives Royal authority to all commissions to which it is affixed.

"He has the care and wardship of minors, the care of lunatics, &c., and the control over their estates and property.

"This is given specially and peculiarly by a letter under the sign manual of the Queen; so that whatever patronage might belong to a lunatic would vest in the Chancellor.

"For several years Lord Manners, as Chancellor of Ireland, presented to all the vacant benefices of the diocese of a prelate who became non compos.

"In England, by reason of the presence of the sovereign, the Chancellor's *viceregal* duties are not often exercised *in fact*, but in Ireland they are often exercised. Thus, whenever the Lord Lieutenant leaves Ireland for a time, the Chancellor is the first of the three functionaries appointed respectively to the Viceregal office during such absence: and the course is, that *he alone* then *acts* as the chief governor in all the duties of the office. During the last year the Chancellor has been the chief governor on three occasions, and invested with all the prerogative of the Lord Lieutenant.

"Whenever the Lord Lieutenant requires to be advised on any act of state duty, the Chancellor is supposed to be his immediate and responsible adviser; so that, in Ireland, he is brought into direct participation in the viceregal government, and occasionally called upon to act on his own exclusive responsibility.

"In the event of any decision of the Ecclesiastical Courts being questioned on appeal, the Chancellor would have the nomination of the delegates, who would constitute the Court of Appeal.

"If their decision should be questioned, the Chancellor *alone* would have judicially to decide whether a commission of review ought to be allowed, and, according to his sole advice, it would be granted or refused.

"In this he acts as representing the Crown, as supreme governor of the Church.

"He is *ex officio* member of boards, some of which are exclusively, others peculiarly, engaged in dealing with Protestant interests. He is one of four Protestant functionaries who elect governors of the Blue Coat Hospital, a Protestant foundation.

"From this it will be apparent that in Ireland, much more than in England, does the Chancellor exercise *in fact* the delegated authority of the sovereign, by reason of which authority so conferred he has pre-eminence conceded to him as emanating from his relation to the sovereign, who must be a Protestant. How can this *status* be given to a Roman Catholic?

"If you appoint a Roman Catholic to the office in England, it might be said no practical inconvenience would arise, for the only effect would be to transfer the ecclesiastical patronage to the Archbishop of Canterbury, during the tenure of the chancellorship by a Roman Catholic.

"There are no commissions of delegates in England, and the Queen is not supposed to be absent, so as to require a viceregal substitute at all to act on her behalf.

"But take this step in Ireland, and either you must strip the office of all the authority and the functions which give pre-eminence to the holder of it, or you must encroach *in fact* on the Act of Settlement, in reference to Ireland, whilst you uphold it in theory and in all its plenitude for England and Scotland.

THE CHANCELLORSHIP.—It is stated—and we mention the matter as a rumour—that the late Irish Government meditated large changes with regard to the office of the Chancellor; and that a paper, containing a draft of their intentions, has been discovered in a pigeon-hole at the Viceregal Castle, where, in the hurry of the removal, it was left behind. It is also said that, should it see the light, strange revelations will be made! —*Dublin Freeman's Journal.*

THE INCUMBERED ESTATES COURTS.—A memorial has been presented to the Treasury by Mr. Henry J. Wrenford aley, who claims the credit of having been the first to suggest that the Incumbered Estates Courts of Ireland should be made self-supporting. He says, I have submitted a scheme to Mr. Gladstone, who was then Chancellor of the Exchequer, by which I stated, "that the Incumbered Estates Court in Ireland was capable of supporting itself. That, if my plan was adopted, £14,000 a-year would be saved to the country, and the Court

might be made a permanent establishment. That a per-centage or poundage, should be deducted from the purchase-money realised by the sale of all estates sold with the advantage of a Parliamentary title. That the country then paid £15,000 a-year, from which payment it would be relieved, if my scheme was adopted." This proposal was subsequently adopted, and a great saving consequently effected in the national expenditure, but Mr. Wrenfordsley's services have not been in any way acknowledged.

THE DUBLIN POLICE BILL.—According to the *Freeman's Journal*, the Bill about to be introduced by Mr. Cardwell provides for a reduction of the number of police magistrates in Dublin, and for increasing the pay of those retained from £600 to £900 per annum. It is high time for some reform in this direction. The duties of the metropolitan police magistrates are extremely light. Two, or at most three, efficient men could do all the work, and have plenty of time to spare.

THE PHŒNIX CLUB PROSECUTIONS.—The rumour respecting the turn affairs were likely to take at the prosecution of the Kerry Phœnixites has proved correct. The prisoners have been well advised to plead guilty, hoping for the favourable consideration of the Court, and the Crown has shown its leniency by permitting the offenders to stand out on their own bail. The commission was opened at Tralee, on the 22nd inst., by Mr. Justice Keogh, and two of the clubmen, Florence and J. D. Sullivan, who had been in jail since last assizes, having been put at the bar, and their counsel having withdrawn their plea of not guilty and pleaded guilty, the Attorney-General said he would deal leniently by them, and he would permit them to stand out on their own recognisances.

Scotland.

ADMIRALTY JURISDICTION OF THE SHERIFF.

(From the *Scottish Law Journal.*)

The High Court of Admiralty of Scotland was abolished in 1830, and its jurisdiction was then transferred to the Court of Session and the Sheriff Court. By the 22nd section of the section of the statute 1 Will. 4, c. 69, it is enacted, "That the sheriffs of Scotland and their substitutes shall, within their respective sheriffdoms, including the navigable rivers, ports, harbours, creeks, shores, and anchoring grounds, in or adjoining sheriffdoms, hold and exercise original jurisdiction in all maritime causes and proceedings, civil and criminal, including such as may apply to persons residing furth of Scotland of the same nature as that heretofore held and exercised by the High Court of Admiralty." By the immediately preceding section it is enacted that all such causes, not exceeding the value of £25, shall be instituted and carried on, in the first instance, in the Sheriff Court. To remove doubts, which are said to have arisen as to the extent of the jurisdiction thus conferred upon the sheriff, it is, by the 21st section of the statute 1 & 2 Vict. c. 119, enacted and declared, that "the powers and jurisdictions formerly competent to the High Court of Admiralty of Scotland in all maritime causes and proceedings, civil and criminal, shall be competent to the said sheriffs and their substitutes, provided the defender shall, upon any legal ground of jurisdiction, be amenable to the jurisdiction of the sheriff before whom such cause or proceeding may be raised."

These are the enactments on which the Admiralty jurisdiction of the sheriff rests; and the important question to be considered by the local practitioner is, whether, and if so, in what cases civil actions against foreigners can be competently instituted in the Sheriff Court.

In the case of *Morrison* v. *Munnock*, 11th July, 1837, which was decided before the passing of the statute last referred to, it was held by the Lord Ordinary (Fullarton) that an action against a party who resided in England, concluding for payment of an account for ship furnishings made in Leith, by a ship chandler there, could only be competently brought, in the first instance, before the sheriff of Edinburgh. After a reclaiming note had been lodged, the case was compromised; and the question does not seem to have been again raised. The terms of the statute are so explicit, that it is difficult to conceive what argument could have been urged against the judgment of the Lord Ordinary. The provision of the 22nd section of the statute first referred to seems equally clear—to this extent, at least, that jurisdiction in all maritime causes, whether brought against persons residing in or furth of Scotland, is thereby conferred on the sheriff. According to this reading of the statute, however, the sheriffs undoubtedly had a cumulative jurisdiction, so that the pursuer in a maritime cause, where the defender was furth of Scotland, might have resorted to any sheriff court in the country. This has been remedied by the subsequent statute, by which it is required that the defender in such an action shall, upon some legal ground of jurisdiction, be amenable to the jurisdiction of the sheriff. So qualified, the Admiralty jurisdiction conferred on the sheriff extends no farther, as regards persons furth of Scotland, than his jurisdiction in other cases. The question must always be, whether the defender is, on any legal ground, apart from the statute of 1 Will. 4, amenable to the jurisdiction of the sheriff. Where the defender is furth of the kingdom, the sheriff's jurisdiction must arise ratione rei sitæ or ratione contractus; and in many maritime causes jurisdiction is so conferred. On no other grounds does it seem competent to institute an action against a foreigner in the Sheriff Court; and in this respect a maritime cause is in no more favoured position than any other.

Under the Merchant Shipping Act, 1854, all actions or proceedings under the Act, other than prosecutions for felonies or misdemeanours, may be brought in a summary form before the sheriff of the county, where the cause of such prosecution or action arises, or where the defender may be for the time; and provision is made for these actions and proceedings being conducted in the most summary way. This jurisdiction, however, is an exception to the ordinary Admiralty jurisdiction of the sheriff—and in all cases in which his claim is not founded on the statute, the pursuer must see that the defender is, on some legal ground, amenable to the jurisdiction of the sheriff.

FRIENDLY SOCIETIES.—A report by the Registrar of Friendly Societies in Scotland has been presented, pursuant to the Act 18 & 19 Vict. c. 63, and printed by order of Parliament. In the course of this report the writer, in the true antiquarian spirit of old Jonathan Oldbuck, notices the existence of "burial clubs" among our Roman conquerors, and shows how much the law of Scotland is founded on, and how largely its principles are derived from, the Roman law. He refers to a work of Mr. Kenrick, on "Roman Sepulchral Inscriptions," bearing on the subject of burial clubs. Mr. Kenrick says:—"As I have not seen the existence of burial clubs among the Romans noticed in any work on Roman antiquities, I will give some extracts from a monument referred to. It was found at Lanuvium, a town of ancient fame for the worship of Juno Sospita, about nineteen miles from Rome, on the Via Appia. The inhabitants of this town appear, out of flattery towards the Emperor Hadrian, in whose reign the marble was erected, to have formed themselves into a college for paying divine honours to Diana and Antinous; a singular combination, which shows at once the degraded condition of the people, and the heartless formality of the established religion which could be prostituted to such a purpose. The privilege of forming a college, or, as we should say, a body corporate, was most sparingly conceded, and most jealously restricted under the emperors, who dreaded all secret associations as nurseries of treason. With this primary object of forming a college of the Cultores Dianæ et Antinoi, they combined that of a burial club, not forgetting the festivities which formed so important a part of all the acts of religion among the Romans. To prevent disputes, the laws of the association were inscribed on marble, and probably set up in the temple of the two deities. An amphora of good wine was to be presented to the club by a new member, the sum of 100 sesterces (about 15*s.*) was to be paid as entry money, and five asses (little more than 2*d.*) per month as subscription. Their meetings were not to take place oftener than once a month. If any one omitted payment for (so many) months (the marble is here mutilated), no claim could be made, even though he had directed it by will. In case of the death of one who had paid his subscription regularly, 300 sesterces (2*l.* 5*s.*) were allotted for his funeral expenses, out of which, however, fifty were to be set apart for distribution at the cremation of the body. The funeral was to be a walking one. If any one died more than twenty miles from Lanuvium, and his death was announced, three delegates from the college were to repair to the place where he had died, to perform his funeral, and render an account of it to the people. Fraud was to be punished by a fourfold fine. Twenty sesterces each were to be allowed to the delegates for travelling expenses, going and returning. If the death had taken place more than twenty miles from Lanuvium, and no notice had been sent, the person who had performed the funeral rites was to send a sealed certificate attested by seven Roman citizens, on the production of which the usual sum for the expenses was to be granted. If a member of the college had left a will, only those named in it could claim anything. If he died intestate the quinquennales

or magistrates of the municipium, and the people generally, were to direct how the funeral should take place. If any member of the college in the condition of a slave should die, and his body, through the unjust conduct of his master or mistress, should not be given up for burial, his funeral should be celebrated by his bust being carried in procession. No funeral of a suicide was to take place. There are many other rules tending to preserve order and promote good fellowship, but these are all which relate to the burial club." This curious document is an additional proof how much ancient life resembled modern life, when we obtain a view of it, as it were, intus domique, through the medium of its monuments.

Monument to Lord Handyside.—The grave of this esteemed judge, which is close to the last resting-places of Jeffrey and Cockburn, in the Dean Cemetery, has recently been marked by the erection of an imposing monument. The structure consists of a sarcophagus placed on a massive pedestal of two steps or stages—the total height being eight feet, while the lower step of the pedestal is ten feet by six. In form the sarcophagus is peculiar, resembling in general outline a design often met with in old Italian towns. The whole structure is of Aberdeen grey granite, of a dark shade, and finely polished.

Edinburgh University.—It is stated that the Duke of Buccleuch is to be nominated against Lord Brougham for the honorary office of Chancellor of the Edinburgh University created by the Universities (Scotland) Act of 1858, and the election to which takes place early in October. The appointment is in the hands of the University Council, which forms a constituency of several hundred members, graduates of the university.

Duration of Life.—The average age of the population in England and Wales is 26 years and 7 months; in the United States it is 22 years and 2 months. In England there are 1,365 people in every 10,000 who have attained 50 years of age, and consequently of experience; while in the United States only 830 in each 10,000 have arrived at that age; consequently in the United States the moral predominance of the young and passionate is greatest. It may not, perhaps, at first sight appear that the duration of life has anything to do with the tendency of knowledge to assume the form of poetry rather than that of science; but the connexion will be recognised when we recall the fact that musicians and poets usually die young, and that philosophers and lawyers do not. Of the last ten Chancellors, from Lord Thurlow downwards, the youngest is Lord Cranworth, who is about 70 years of age. Their average age is at present something over 76 years; but inasmuch as Lords Lyndhurst, Brougham, St. Leonards, and Cranworth, are happily yet alive, it will turn out to be rather higher. For the purpose of comparison, let us select ten of our most distinguished poets, beginning with Spencer:

	Age.		Age.
Spencer	46	Lord Thurlow	76
Shakspere	52	Loughborough	72
Milton	66	Erskine	73
Pope	56	Eldon	87
Thomson	48	Lyndhurst	87
Gray	55	Brougham	81
Keats	24	Cottenham	70
Wordsworth	80	Truro	73
Coleridge	62	St. Leonards	78
Byron	36	Cranworth	70

The average age of the poets is 52. Every one of them is, therefore, more than 24 years younger than each of the last ten Chancellors. If these were mere facts unexplained by reference to any general law, it would be impossible to argue from them. But the reason of the thing is perfectly well understood. Poets are usually men of a high nervous development, and the exercise of their art calls for great temporary excitement, followed by a corresponding depression. This is not so healthy as the more prolonged but less intense effort which lawyers are in the habit of applying to their work; and, of course, the more unhealthy an occupation is, the sooner, on the whole, will those engaged in it die.—*Westminster Review.*

The London Journal.—The action which Mr. Herbert Ingram undertook to bring against Mr. Stiff, for having published *The Guide* in direct contravention of the contract by which Mr. Ingram purchased of him the *London Journal*, at the enormous sum of £20,000, has been compromised. Mr. Stiff, it is said, pays £10,000 damages, repurchases the *London Journal*, and defrays the whole of the legal expenses. The *Guide* is moreover to be merged in the old publication. Mr. Percy St. John is the new editor of the *London Journal*

A Strange Case for Appeal.—The appeal Court of Berlin was three days ago engaged in hearing an appeal presented by two men named Rosahl and Rose against a sentence of death for murder passed on them by the Court of Assizes of Halle on Saale. The facts of the case were these:—Rosahl, who is a wood-dealer at Schietzig, had some months back a violent quarrel with one of his workmen named Schleibe, and the latter struck him in the face. Exasperated at this outrage, he resolved to murder Schleibe, and for the purpose bought a pistol and ball. With this pistol he several times lay in wait for him at night, but on each occasion just as he was about to fire his courage failed him. He then offered Rose, another of his men, a sum of 100 thalers (370fr.) to shoot Schleibe in his stead, and Rose accepted the offer. Accordingly one night Rose waited for Schliebe in a gorge of the mountains near Halle, and after a while seeing a young man resembling that person, and dressed like him, approach, he fired, and the young man fell dead. Rose the next day claimed his money, but Rosahl having only a few minutes before seen Sheleibe, refused to pay it, and it turned out that the man killed was a student named Harnisch. The Court of Appeal, seeing in these facts no ground for indulgence, confirmed the sentence of death.

The End of the Sickles Tragedy.—A letter from Washington, in the *New York Herald*, says:—"The friends of Hon. D.E. Sickles, in this city, have learned that he and his wife are about to resume marital relations, if they had not already done so. It was rumoured that he was about to sue for a divorce, but that idea has been abandoned. The families of both put their heads together, and, after discussing all the pros and cons, they came to the conclusion that it would be better for Mr. Sickles and his wife to live together again in peace and mutual affection, burying the past in the grave of oblivion. Both parties have agreed to this step, and it is said their love is greater than ever. There is immence rejoicing among their friends, who have written letters of warm congratulation."

The Hon. Rufus Choate, of Massachusetts, one of the most distinguished members of the American Bar, and who formerly held the office of Attorney-General of the United States, died at Halifax on the 14th inst. while *en route* for England.

Court Papers.

Chancery Vacation Notice.

During the vacation, until further notice, all applications which are necessary to be made at the chambers of the equity judges, are to be made at the chambers of the Master of the Rolls.

The chambers of the Master of the Rolls will be open on Tuesdays, Wednesdays, Thursdays, and Fridays in every week during the vacation, from eleven to one.

Births, Marriages, and Deaths.

BIRTHS.

ADAMS—On July 20, at 92 Inverness-terrace, Kensington-gardens, the wife of George Edward Adams, Esq., Barrister-at-Law, of a daughter.

FISHER—On July 22, at the Lodge, Pinner, the wife of William Richard Fisher, Esq., Barrister-at-Law, of a son, which survived its birth only a few hours.

GRIFFITH—On July 23, at 17 Gloucester-place, Hyde-park-gardens, the wife of Charles Marshall Griffith, Esq., Barrister-at-Law, of a son.

HOOKER—On July 27, at 19 Camden-square, Mrs. Ayerst Hooker, of a daughter.

MARSHALL—On July 25, at 2 Torrington-street, Russell-square, the wife of Robert Marshall, Esq., Solicitor, Gray's-inn, of a son.

MAWE—On July 22, at Portsdown-road, Maida-hill, the wife of Frederick Eustace Mawe, Esq., of a daughter.

MOON—On July 20, the wife of Robert Moon, Esq. of Cleveland-square, Hyde-park, of a son.

REECE—On July 24, at 21 Cavendish-road West, St. John's-wood, Mr. Richard Marsden Reece, of a son.

WILKINSON—On July 25, the wife of Walter M. Wilkinson, Esq., of Kingston-on-Thames, Solicitor, of a daughter.

MARRIAGES.

CORDER—WATSON; CLAPHAM—WATSON—On July 20, at the Friends' Meeting-house, Newcastle, Mr. Alexander Corder, Draper, Sunderland, to Lucy, eldest daughter of Joseph Watson, Esq., Solicitor, Bensham-grove, Gateshead:—Same day and place, Mr. Henry Clapham, Merchant, of Newcastle, to Esther Mary, second daughter of the aforesaid Joseph Watson, Esq.

HUNT—DE MOLE—On July 23, at St. Helen's, Bishopsgate, by the Rev. J. E. Cox, vicar, William L. Hunt, Esq., to Anna Maria, widow of the late John De Mole, Esq., Barrister-at-Law.

PROWSE—FARRAR—On July 19, at St. George's church, Sowerby, by the Rev. J. Farrar, curate of St. Mary's, Sowerby, brother of the bride, assisted by the Rev. Thomas Pitts, incumbent, uncle of the bridegroom

Daniel Woodley Prowse, Esq., Barrister-at-Law, of St. John's, Newfoundland, to Sarah Anne Edleston, only daughter of the late George Farrar, Esq., West Royd, Sowerby.

DEATHS.

CHALMER—On July 22, at his residence, Cheyne-row, Chelsea, Francis Chalmer, Esq., Magistrate for the county of Middlesex, in the 67th year of his age.

CLAPHAM—On July 26, at his residence, Upton House, Watford, Herts, William Henry Clapham, Esq., of Great Portland-street, London, Solicitor, aged 58.

COLLISSON—On July 25, at Reading, aged 24, Marianne, second daughter of the late William Collisson, Esq., of 83 Camden-road Villas, Regent's-park, London.

DUNCUFT—On July 19, at Lyon House, Oldham, aged 30, Isaiah Duncuft, Esq., a Magistrate for Lancashire, second son of the late John Duncuft, Esq., M.P., Westwood House, Oldham.

FLINTOFF—On July 15, at Florence Villa, Ventnor, I. W., of consumption, Clara Adeline Flintoff, aged 18, daughter of the late Owen Flintoff, Esq., of Trinity College, Cambridge, Barrister-at-Law, and Chief Justice of Sierra Leone.

KNIGHT—On July 21, Henry Knight, Esq., Solicitor, of 27 Bucklersbury, City, and of Edmonton, Middlesex.

NEWMAN—On July 19, Alice, daughter of Edmund Newman, Esq., of 27 Walbrook, and 45 Smith-street, Chelsea.

POWEN—On July 17, Mary, the wife of John Powen, Esq., Solicitor.

SPRY—On July 14, at his residence, in New Bridge-street, Truro, aged 59, Edward John Spry, Esq., M.R.C.S., L.S.A., Senior Surgeon to the Royal Cornwall Infirmary, Corresponding Member of the Medical Chirurgical Society, Berlin, and Justice of the Peace for the borough.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

ASH, JOHN, Mercer, Jermyn-street, Westminster, £136 : 10 : 0 Three per Cent. Consols.—Claimed by JANE ASH, Spinster, surviving executrix of the said JOHN ASH.

BOYCOTT, THOMAS, Esq., Rudge, & FRANCIS BLYTHE HARRIES, Esq., Benthall, both in Shropshire, One Dividend on £1,852 : 13 : 1 New Four per Cent. Annuities.—Claimed by EMMA BOYCOTT, Spinster, sole executrix of THOMAS BOYCOTT, who was the survivor.

FARRINGTON, JOSEPH, Esq., Mettingham, Suffolk, One Dividend on £4,000 3½ per Cent. Annuities.—Claimed by JOSEPH FARRINGTON.

SAUNDERS, JOSEPH, Yeoman, Great Toller, Dorsetshire, & JOHN JAMES BARTER, Serving Man, St. Stephen's, Canterbury, £228 : 17 : 8 New Three per Cent. Annuities.—Claimed by HARRIET BARTER, Spinster, sole executrix of the said JOHN JAMES BARTER, deceased, who was the survivor.

WILSON, ELIZABETH, Widow, Piccadilly, Two Dividends on £146 : 10 : 0 Consols.—Claimed by Most Hon. GEORGE HORATIO, MARQUIS OF CHOLMONDELEY, and the Right Hon. Lord WILLIAM HENRY HUGH CHOLMONDELEY, executors of the said ELIZABETH WILSON, deceased.

Railway Stock.

RAILWAYS.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Brk. Lan. & Ch. Junc..	..	..	..	..	..	..
Bristol and Exeter	..	98	..	99	..	..
Caledonian.....	82¼ ½	83	83½	83¼ ½	..	83½
Chester and Holyhead..	..	..	..	..	..	..
East Anglian	..	..	..	15	..	15
Eastern Counties	58½ ¼	58½ 9½	59½	58½ ¼	58½	59½
Eastern Union A. Stock.	..	..	..	..	..	..
Ditto B. Stock	..	28½	..	..	..	..
East Lancashire	..	94½	..	94½ ½	..	..
Edinburgh and Glasgow	..	..	..	..	..	..
Edin. Perth, and Dundee	26½	..	..	..	..	..
Glasgow & South-Westn.	..	..	..	..	..	..
Great Northern	103	..	..	..	..	103
Ditto A. Stock	84	..	..	..	..	..
Ditto B. Stock	131½ 2	131½ ½	..	..	..	131½
Gt. South & West. (Ire.)	..	..	..	..	..	..
Great Western	59½ 60	60½ 60	60½ 60	59½ ½	60 59½	59½
Do. Stour Vly. G. Stk.	..	..	..	..	..	..
Lancashire & Yorkshire	..	96 ½	95½	95½ ¼	..	95
Lon. Brighton & S. Coast	112	112½	112	..	112½ 12	110
London & North-Wstrn..	94½ ¾	95½ 5	95½	94½ 5	95½ ½	94½ ¾
London & South-Westrn.	..	94½ 5	95	93½ ¼	..	95
Man. Sheff. & Lincoln..	35½	35½	35½	35½	35½	35½
Midland	103½ ½	105 ¼	105 ¼	104½ ¼	105½ ¼	104 ½
Ditto Birm. & Derby	..	60	..	..	..	..
Norfolk	..	60½ ½	..	60½	..	..
North British	57 6½	57½	57½ 8	..	57½ ½	57½
North-Eastern (Brwck.)	92½ ¼	93½	93½ 3	..	93½	93½
Ditto Leeds	46½	..	47	..	..	..
Ditto York	74½	75½	75½ 6	..	..	..
North London	..	..	..	..	..	..
Oxford, Worc. & Wolver.	..	32	..	..	..	..
Scottish Central	111	111½	..	..	..	..
Scot. N.E. Aberdeen Stk.	..	..	..	..	..	..
Do. Scotch. Mid. Stk.	..	..	..	..	..	..
Shropshire Union.....	45½	45	..	..	..	..
South Devon	42½	..	..	..	..	..
South-Eastern	72½	72½ ¾	..	73½ ¾	73½ ¾	73
South Wales	..	..	..	64	..	..
Vale of Neath	..	71 69½	..	..	..	..

English Funds.

ENGLISH FUNDS.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock	221 3	..	222 3	223 1	223 2	223 2
3 per Cent. Red. Ann..	94½ ¾	95¼	95½ ¼	95½	95½ ¾	95½ ¾
3 per Cent. Cons. Ann..	94½ ¾	94½ ¾	95½ 5	..	95½ 5	..
New 3 per Cent. Ann...	94½ ¼	95½	95½ ¾	95¼	95½ ¼	95¼ ½
New 2½ per Cent. Ann.	..	..	..	70¾	..	..
5 per Cent. Ann.	..	..	..	109½	..	..
Long Ann. (exp. Jan. 5, 1860)	..	11-16	..	..	..	..
Do. 30 years (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Apr. 5, 1885)	..	18	14	..	..	..
India Stock.....	..	223 21	220 2	220½	220 2	..
India Loan Debentures..	94½	94½	94¾ ¼	94½	94	..
India Loan Scrip.....	..	94¾ ¼	94¾ ¼	..	94½	..
India Bonds (£1,000) ..	6s d	6s d	6s d	7s d	..	..
Do. (under £1000).....	..	1s 6s d	..	..	..	..
Consols for account	..	..	..	..	..	..
Exch. Bills (£1000) Mar.	29s30s p	28s31s p	28s31s p	..	31s28s p	28s31s p
Ditto June....	..	..	..	..	..	..
Exch. Bills (£500) Mar.	29s30s p	27s p	..	..	..	..
Ditto June....	..	..	..	..	..	..
Exch. Bills (Small) Mar.	29s30s p	27s p	31s p	28s p	31s28s p	..
Ditto June	..	..	..	..	..	..
Do. (Advertised) Mar.	..	..	..	..	..	..
Ditto June	..	..	..	..	..	..
Exch. Bonds	..	..	..	..	..	..
Exch. Bonds, 1858, 3½ per Cent.	..	..	..	..	..	..
Ditto (under £1,000) ..	..	..	..	..	..	..

Estate Exchange Report.

AT THE MART.

By Mr. J. M. RICHARDSON.

Copyhold Villa Residence, with stabling, cottage, &c., and 4 acres o meadow land, Copthorne, near Worth, Sussex.—Sold for £450.

By Mr. BOTT.

Leasehold Residences, Nos. 8 & 9, Shaftesbury-crescent, Pimlico.—Sold for £915.

Leasehold Dwelling-houses, Nos. 1 to 10, Trevor-place, Trevor-square, Knightsbridge.—Sold for £345.

Leasehold Houses, Nos. 1 to 6, Cottage-place, Trevor-square.—Sold for £230.

Leasehold Residences, Nos. 11 & 12, Arthur-street, Trevor-square.—Sold for £245.

Leasehold House, No. 39, Exeter-street, Hans-town, Chelsea.—Sold for £295.

Leasehold House, No. 6, Caroline-street, St. George's, Hanover-square.—Sold for £410.

By Messrs. NORTON, HOGGART, & TRIST.

Freehold Ground-rent, of £96 per annum, arising from property at Peckham, viz.—the "Bricklayers' Arms" public-house, the "Southampton Arms" Beer-shop, a pawnbroker's and eight other shops, 11 residences and plot of land in Southampton-street, 10 houses in Wells-street, nine houses and two plots of ground in Dowlas-street, and nine houses, two plots of land, &c., in Grove-place.—Sold for £4,150.

Freehold Ground-rent, of £103 per annum, secured upon Nos. 1 to 12, Crescent, High-street, Peckham, and 22 dwelling-houses in Hill-street.—Sold for £4,250.

Freehold Ground-rent, of £68 : 15 : 0 per annum, arising from Nos. 20 to 38, Hill-street, Peckham.—Sold for £2,310.

Freehold, Wendover Dean House and Farm, Wendover, Bucks, comprising residence and grounds, keeper's cottage, farm-house, agricultural buildings, &c.; the whole containing 213a. 3r. 24p.—Sold for £9,000.

Freehold (Two) Enclosures of Arable Land, opposite the above, with three cottages and blacksmith's shop; in all 28a. 3r. 18p.—Sold for £1,500.

Freehold, Durham's Farm, Wendover; comprising farm cottage, barn, shed, stable, &c.; 43a. 1r. 9p. of land.—Sold for £2,000.

Freehold, Little London Farm, Wendover; farm cottage, buildings, &c.; 185a. 0r. 24 p. arable and pasture land.—Sold for £7,000.

Freehold, "The Black Horse" Public-house, cottage, garden-ground, &c.; 3a. 2r. 17 p.—Sold for £350.

Freehold Enclosure Arable Land, "Lee Common Piece," Wendover; 4a. 3r. 15p.—Sold for £170.

A Perpetual Yearly Rent of £3 : 8 : 0, charged upon lands, &c., at Wendover.—Sold for £60.

Two Perpetual Yearly Rents of £1 : 16 : 0, charged upon lands, &c., at Wendover.—Sold for £50 each.

Leasehold (Three) Cottage Residences, Nos. 1 to 3, Buccleugh-terrace, Coldharbour-lane, Camberwell; term, 61 years from Midsummer last; ground-rent, £12 : 5 : 0 per annum; let at £90 per annum.—Sold for £900.

By Messrs. BOWIE & BELLINGHAM.

Copyhold Residence, Laurel Cottage, Holmwood, Dorking, Surrey.—Sold for £380.

By Messrs. ABBOTT & WRIGGLESWORTH.

Leasehold Residence, No. 3, Argyll-road, Campden-hill, Kensington (unfinished).—Sold for £900.

Leasehold Residence, No. 4, Argyll-road (unfinished).—Sold for £820.

By Mr. MABEN.

Freehold Ground-rent, £38 per annum, secured upon 32 houses, Nos. 1 to 32, Edward-street, Mill-street, Bermondsey.—Sold for £1,100.

Freehold, Sufferance Wharf and Premises, Hagens Wharf, Mill-street, Bermondsey, with warehouse, residence, &c.; let at £900 per annum.—Sold for £8,150.

Freehold Warehouse and Premises, Mill-street; let at £200 per annum.—Sold for £4,000.

Improved Leasehold Ground-rent, £30 per annum; secured upon Nos. 5 to 10, and 130, New Church-street, Bermondsey.—Sold for £360.

Improved Leasehold Ground-rent, of £12 per annum; secured upon Nos. 22 to 28, New Church-street, Nos. 1 to 5, Susanna-cottages, &c.—Sold for £130.

Improved Leasehold Ground Rent, of £10 per annum, secured upon Nos. 33 to 37, New Church-street, Bermondsey.—Sold for £105.

Improved Leasehold Ground-rent, of £100 per annum; secured upon a granary in Ann's-place, or Mary-street.—Sold for £1,300.

Improved Leasehold Ground-rent, of £20 per annum; secured upon Nos. 124 to 129, New Church-street.—Sold for £225.

AT GARRAWAY'S.

By Mr. R. W. Fuller.

Freehold Detached Residence, with coach-house, stabling, grounds, &c., Thornton-heath, Croydon; let on lease at £94 : 10 : 0 per annum.—Sold for £1,900.

By Mr. Murrell.

Leasehold Cottage Residence and Grounds, nearly one acre, Woodberry-downs, Stoke Newington.—Sold for £890.

By Messrs. Farebrother, Clark, & Lye.

Leasehold Residence, No. 42, Upper Bedford-place, Russell-square.—Sold for £800.

Leasehold Improved Ground-rent, amounting to over £1,000 per annum, secured upon first-class residences in Eaton-place, Lowndes-square, Lowndes-street, Chesham-place, Eccleston-street, and Belgrave-road, Euston-square, Endsleigh-street, and Gordon-street, Russell-square, a portion of which sold for twenty-three years' purchase.

By Mr. Parker.

Four Leasehold Houses, Nos. 12 to 15, George-terrace, Brook-street, Clapton, and Three Houses, Webber-place, in the rear; let at £107 : 10 : 0 per annum.—Sold for £480.

Four Leasehold Houses, Nos. 1 to 4, Frederick-place, Clapton; let at £70 : 14 : 6 per annum.—Sold for £270,

Leasehold Residence, No. 15, Old Clapton-terrace; let on lease at £65 per annum; held for 99 years from Christmas, 1837; ground-rent, £8 : 6 : 8 per annum.—Sold for £770.

Leasehold House, No. 17, Clapton Old-terrace; let at £70 per annum; held for same term and ground-rent.—Sold for £645.

Value of Reversionary Property.

£25,144 Consols, receivable on the decease of a lady, aged 54, provided she has no issue, was submitted to auction yesterday, at the Mart, by Messrs. Chinnock & Galsworthy, in two lots. Owing to the abundance of money at the present time seeking investment considerable competition was evinced. The two lots realised £10,140, or about 5 per cent. subject to the contingency. A few years since this class of property was expected to be purchased to pay 7 per cent.

The following lots were sold at the same time:—A Leasehold Private Residence, No. 1, Melborne-grove, Glinton-road, West Brompton; annual value, £45; held for 80 years at £5 : 10 : 0; sold for £390. A Freehold Cottage, No. 4, East Milton, close to Gravesend, and let at £16 per annum; sold for £115. A Cottage adjoining; let at £15 : 10 : 0; sold for £115. A Freehold Cottage adjoining; let at £15 : 10 per annum; sold for £115. A Freehold Cottage, known as Dashword Cottage, situate close to Windmill-hill and the town of Gravesend, and about three acres of productive orchard; sold for £450. An enclosure of Freehold Market Garden Ground, near the preceding, containing 8 acres; sold for £700. A similar enclosure, containing 11 acres; sold for £860. An enclosure of productive arable land, containing 5 acres; sold for £300.

Property sold and bought in during last Three Months.

	Sold.	Bought in.	Total.
April	£135,644	£144,582	£280,226
May	358,927	414,565	773,492
June	465,328	565,798	1,031,126
	£959,899	£1,123,945	£2,084,844

London Gazettes.

Professional Partnerships Dissolved.

Tuesday, *July* 26, 1859.

Hayward, Isaac Buckrell . Norton-under-Hamdon, Somersetshire, & Robert Burchall Perkin, South Petherton, Somersetshire, Attorneys-at-Law; by mutual consent. July 16.

Friday, *July* 29, 1859.

Whitehead, Henry, Mark Henry Whitehead, & Thomas William Whitehead (Whitehead & Sons), Attorneys and Solicitors, 2 Whitehall-st., Rochdale; July 23, by mutual arrangement so far as regards Thomas William Whitehead; the said Henry Whitehead & Mark Henry Whitehead will still continue to practise at No. 2 Whitehall-st., Rochdale, under the style or firm of Whitehead & Son; the offices of the said Thomas William Whitehead will in future be at 18, the Walk, Rochdale.

Bankrupts.

Tuesday, *July* 26, 1859.

Bradley, Henry, Corn Dealer, Kingston-upon-Hull. *Com.* Ayrton: Aug. 10 and Sept. 7, at 12; Kingston-upon-Hull. *Off. Ass.* Carrick. *Sols.* Colbeck & Thompson, Kingston-upon-Hull. *Pet.* July 25.

Bushell, John, Licensed Victualler, Wolverhampton. *Com.* Sanders: Aug. 8 & 29, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* James & Knight, Birmingham. *Pet.* July 16.

Field, John, Boot & Shoe Manufacturer, 27 Hackney-road. *Com.* Fonblanque: Aug. 9, at 12.30; Sept. 7, at 11; Basinghall-st. *Off. Ass.* Stansfeld. *Sol.* Howard, 9 Quality-court. *Pet.* July 25.

Foot, William, Builder, 6 Victoria-ter., Deptford. *Com.* Fonblanque: Aug. 9, at 2; and Sept. 7, at 12; Basinghall-st. *Off. Ass.* Graham. *Sol.* King, 25 College-hill. *Pet.* July 26.

Gladwell, Henry William, Stereoscope Manufacturer, 11 Poultry. *Com.* Fane: Aug. 5, at 11.30; Sept. 2, at 12.30; Basinghall-st. *Off. Ass.* Cannan. *Sols.* Davidson, Bradbury, & Hardwick, Weavers'-hall, 22 Basinghall-street. *Pet.* July 26.

Harman, Robert, Corn Dealer, Littlewick, Berkshire. *Com.* Fane: Aug. 5, at 12; and Sept. 2, at 11.30; Basinghall-st. *Off. Ass.* Cannan. *Sols.* Tucker, Greville, & Tucker, 28 St. Swithin's-lane; or Pulley & Clark, High Wycombe. *Pet.* July 23.

Haywood, Robert, Grocer, 5 High-st., Homerton. *Com.* Fane: Aug. 5, at 12.30; and Sept. 2, at 1; Basinghall-st. *Off. Ass.* Whitmore. *Sols.* Lawrance, Plews, and Boyer, 14 Old Jewry-chambers. *Pet.* July 22.

Hiles, James, & David Walter Jenkins, Coal Merchants, Tipton, Staffordshire. *Com.* Sanders: Aug. 5 and Sept. 23, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Hodgson & Allen, Birmingham. *Pet.* July 23.

Litchfield, Thomas, Surgeon, Twickenham. *Com.* Fonblanque: Aug. 8, at 1.30; Sept. 6, at 1; Basinghall-st. *Off. Ass.* Graham. *Sol.* Peckham, 40 Ludgate-st. *Pet.* July 23.

Moss, Fanny, Milliner, Mansfield, Nottinghamshire. *Com.* West: Aug. 6 and Sept. 3, at 10; Sheffield. *Off. Ass.* Brewin. *Sols.* Davidson & Co., Weavers'-hall, Basinghall-st.; or Upton & Yewdall, Leeds. *Pet.* July 11.

Parslow, George, Timber Merchant, 63 Old-st., St. Luke's. *Com.* Fane: Aug. 5, at 1.30; and Sept. 9, at 1; Basinghall-st. *Off. Ass.* Whitmore. *Sol.* Juckes, 10 Bridgewater-sq. *Pet.* July 25.

Salmon, Vohs, Wholesale Boot & Shoe Manufacturer, 33½ Brick-lane, Spitalfields, 2 Baker's-ter., Limehouse, and 3 Theatre-st., Norwich (Salmon & Co.) *Com.* Fonblanque: Aug. 8 and Sept. 6, at 12.30; Basinghall-st. *Off. Ass.* Graham. *Sol.* Frost, 138 Leadenhall-st. *Pet.* July 21.

Smith, Robert, Brassfounder, Swaffham, Norfolk. *Com.* Fonblanque: Aug. 8, at 1; and Sept. 6, at 12; Basinghall-st. *Off. Ass.* Graham. *Sol.* Plimsaul, 7 South-sq. *Pet.* July 23.

Taylor, Joshua Joseph Henry, Manufacturer, Almondbury, Huddersfield. *Com.* Ayrton: Aug. 8 and Sept. 5, at 11; Leeds. *Off. Ass.* Hope. *Sol.* Floyd & Learoyd, Huddersfield; or Bond & Barwick, Leeds. *Pet.* July 19.

Friday, *July* 29, 1859.

Goodwin, Charles John, Tavern Keeper, Hulme, Manchester, formerly in business at Chesterfield. *Com.* Jemmett: Aug. 11 and Sept. 13, at 12; Manchester. *Off. Ass.* Pott. *Sols.* Whall, Chesterfield; or Green & Payne, Manchester. *Pet.* July 4.

Harris, Josiah, Coal Merchant, Highweek, Devon. *Com.* Andrews: Aug. 10 & 31, at 12; Exeter. *Off. Ass.* Hirtzel. *Sol.* Stogdon, Exeter. *Pet.* July 25.

Hobbs, Henry, & George Tilley, Brickmakers, St. George's Wharf, Cambridge-st., Old St. Pancras-rd., of Southall, and Victoria Wharf, Blackfriars. *Com.* Goulburn: Aug. 15, at 11.30; and Sept. 12, at 11; Basinghall-st. *Off. Ass.* Nicholson. *Sols.* Lawrance, Plews, & Boyer, 14 Old Jewry-chambers. *Pet.* July 26.

Lancaster, William, Coal Merchant, Bury. Aug. 11 and Sept. 1, at 12; Manchester. *Off. Ass.* Hernaman. *Sol.* Darlington, Wigan. *Pet.* July 19.

Moon, John, jun., Optician, 3 West India-rd., Poplar. *Com.* Fane: Aug. 8, at 12; and Sept. 8, at 12.30; Basinghall-st. *Off. Ass.* Cannan. *Sol.* Bastard, 25 Philpot-lane. *Pet.* July 20.

Orgill, Francis, Maltster, Loughborough. *Com.* Sanders: Aug. 9 & 30, at 11.30; Nottingham. *Off. Ass.* Harris. *Sols.* Wadsworth & Watson, Nottingham. *Pet.* July 26.

Pearson, John Morley, Builder, Coatham, Yorkshire. *Com.* Ayrton: Aug. 15 and Sept. 6, at 11; Leeds. *Off. Ass.* Young. *Sols.* G. & G. T. Allison; or Cariss & Cudworth, Leeds. *Pet.* July 26.

Richards, William, Licensed Victualler, Lapsdown Arms, Islington. *Com.* Goulburn: Aug. 8, at 1; and Sept. 12, at 12; Basinghall-st. *Off. Ass.* Pennell. *Sols.* Shaen & Grant, Kennington-cross. *Pet.* July 26.

Tapley, Frederick, Draper, Arbor-ter., Commercial-rd. East. *Com.* Fonblanque: Aug. 9 and Sept. 7, at 1; Basinghall-st. *Off. Ass.* Stansfeld. *Sols.* Sole, Turner & Turner, 68 Aldermanbury. *Pet.* July 26.

Ward, James, jun., Glass Dealer, 25 Queen-st., Pimlico. *Com.* Fane: Aug. 11 and Sept. 8, at 12; Basinghall-st. *Off. Ass.* Whitmore. *Sol.* Weymouth, 13 Clifford's-inn. *Pet.* July 27.

Wohlquast, John, Dealer in Cigars, 120A Oxford-st. *Com.* Fonblanque. Aug. 15, at 1; and Sept. 7, at 2; Basinghall-st. *Off. Ass.* Stansfeld. *Sol.* Nicholson, 48 Lime-st. *Pet.* July 19.

Wood, William Leigh, Grocer, Puckeridge, Hertford. *Com.* Fane: Aug. 11, at 11; and Sept. 8, at 11.30; Basinghall-st. *Off. Ass.* Cannan. *Sol.* Cutler, Doctors' Commons. *Pet.* July 28.

BANKRUPTCY ANNULLED.

Friday, *July* 29, 1859.

Todd, Mary, & William Waddell Todd, Merchants, late of Newry, co. Down & Armagh (D. Todd & Co.) July 15.

MEETINGS FOR PROOF OF DEBTS.

Friday, *July* 29, 1859.

Faith, John, Provision Merchant, 4 Cambridge-road, Mile End. Aug. 19, at 12.30; Basinghall-st.

Hutchings, Thomas, Railway Contractor, Park-st., Westminster, Great Grimsby, Lincolnshire, and Anston, Yorkshire, lately carrying on business in partnership with William Wright & William Brown, at St. Mildred's-court, City; Great Grimsby, under the style or firm of Thomas Hutchings & Co.; and at Anston, under the style or firm of William Wright & Co. Aug. 19, at 11.30; Basinghall-st.

Sothern, Laurence, & William Perrit, Grocers, Gravesend. Aug. 19, at 11; Basinghall-st.

CERTIFICATES.

To be allowed, unless Notice be given, and Cause shown on Day of Meeting.

Tuesday, *July* 26, 1859.

Drouet, William, Hotel Keeper, Fleet-st. Aug. 18, at 1; Basinghall-st.

Freeman, Henry, & Charles Chartier, Licensed Victuallers, 73 Cheapside. Aug. 17, at 11; Basinghall-st.

Jeffs, Charles, Leather Cutter, 40 Hockley, Nottingham. Sept. 13, at 11.30; Nottingham.

Jones, William, Coal Merchant, Isleworth. Aug. 18, at 1.30; Basinghall-st.

Lyon, Edward Dunkin, Pianoforte Manufacturer, 26 Castle-st., Oxford-st. Aug. 16, at 1; Basinghall-st.

PROWSE, CHARLES, Chemist, Bristol. Aug. 24, at 11; Bristol.
SHERBROOKS, WILLIAM, Builder, Taunton. Aug. 17, at 12; Exeter.
TOWLE, MARK, Lace Manufacturer, Lenton, Nottinghamshire. Sept. 13, at 11.30; Nottingham.

FRIDAY, *July* 29, 1859.

CRICKMELL, JOHN, Licensed Victualler, Enfield. Aug. 22, at 12; Basinghall-st.
DAVIES, ROBERT, Victualler, Mochdre, Llandrillo yn rhos, Denbighshire. Aug. 22, at 12; Liverpool.
DENTON, EDWIN MOREY, Grocer, Bath. Aug. 30, at 11; Bristol.
JAMES, DAVID WILLIAM, Coal Merchant, Llwyncelyn Colliery, Glamorganshire. Aug. 30, at 11; Bristol.
REED, CHARLES THOMAS, Boot and Shoe Maker, 93 Whitechapel-road. Aug. 22, at 11.30; Basinghall-st.
PARRY, BERNARD, Farmer, Newmarket, Flintshire. Aug. 22, at 1; Liverpool.
SHERWOOD, HENRY, Cloth Manufacturer, Esholt, Yorkshire. Sept. 5, at 11; Leeds.
SILLAR, DAVID, & JOHN CHARLES SILLAR, Merchants, Liverpool, and of Shanghai, China (lately carrying on business in co-partnership with Thomas Frederick Sillar & Robert George Sillar, under the style or firm of Sillar, Brothers). Aug. 22, at 11; Liverpool.
STACEY, GEORGE, Tobacconist, Thames-st., New Windsor, Berks. Aug. 22, at 1; Basinghall-st.

To be DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *July* 26, 1859.

ASH, GUNDER ANTHON MARTIN, Ship Broker, 19 Colchester-st., and lately of 10 Gould-sq. (Windle & Co.) July 20, 2nd class.
HUNT, WILLIAM, sen., Greengrocer, 6 & 7 William-st., Lisson-grove. July 18, 2nd class.
JENNENS, AARON, & JOHN BETTRIDGE, Papier Maché Manufacturers, Birmingham. July 18, 1st class.
LOVELL, BENJAMIN, Currier, Northampton. July 13, 3rd class; certificate to be suspended for 12 months.
PRICE, JAMES BRENT, Mercer, late of Horsham, now of Leicester. July 19, 3rd class.

FRIDAY, *July* 29, 1859.

COX, GEORGE, & GEORGE COX, jun., Butchers, 9 Northampton-row, Holloway. July 22, 2nd class.
DAVIS, FREDERICK, Hairdresser, 4 & 5 Grosvenor-pl., Melcombe Regis. July 25, 3rd class.
DUTHERS, GUSTAVE, General Merchant, 2 Old Trinity House, Tower-st. July 18, 2nd class.
JENKINS, SYDNEY DAN, Ship Broker, Cardiff, carrying on business in co-partnership with James Nelson Knapp and John Latch, at Cardiff, and at Newport, Monmouthshire. July 26, 2nd class.
STOTHARD, JOHN HUTCHINSON, Saddler, Swinefleet, Yorkshire. July 26, 3rd class.
VERE, JOHN HOLLIS, Tanner, Stourport and Dudley, Worcestershire. July 18, 2nd class, after a suspension of 3 months.
WYATT, JOHN, Licensed Victualler, Chipping Campden. July 26, 3rd class.

Assignments for Benefit of Creditors.

TUESDAY, *July* 26, 1859.

GODDARD, JOHN, Iron & Shoeing Smith, Ashbury, Berkshire. July 19. *Trustees*, T. Belcher, jun., Grocer, Faringdon; E. Harris, Draper, Abingdon. *Sol.* Haines, Faringdon.
LIDSTONE, ROGER, Bookseller, 16 George-st., Plymouth. July 6. *Trustees*, S. Chater, Wholesale Stationer, 86 Cannon-st. West; D. Kidd, Wholesale Stationer, 134 Fleet-st. *Sol.* Gregson, 8 Angel-ct.
MARRISON, JOSEPH, Sawyer, Kingston-upon-Hull. June 29. *Trustee*, N. Easton, Accountant, Kingston-upon-Hull. *Sol.* Champney, jun., Kingston-upon-Hull.

FRIDAY, *July* 29, 1859.

ALLEN, JOHN CANFIELD, sen., Farmer, Wadesmill, Hertford, now residing at the Lordship-farm, Bennington. July 23. *Trustees*, John Canfield Allen, jun., Farmer, Cole Green, Hertford. *Sol.* Hawks, Hertford.
BAKER, JOHN JOHNSON, Baker, Whitefriargate, Kingston-upon-Hull. July 8. *Trustees*, Edward Stephenson Broughton, Licensed Victualler, Kingston-upon-Hull; Saul Borrill, Baker, Mytongate, Kingston-upon-Hull. *Sols.* Pettingell, Kingston-upon-Hull; Bell, Kingston-upon-Hull.
HOCKING, EDWIN, Currier, Southmolton, Devon. July 23. *Trustee*, John Bakeway Little, Minister, Southmolton. *Sol.* Gillard, Southmolton.
RATHOR, SAINT THOMAS, Tailor, Silver-st., Kingston-upon-Hull. July 13. *Trustees*, W. Cutt, Woollen Draper, Market-pl.; W. Raynor, Draper, Whitefriargate; W. Needler, Gunsmith, Silver-st., Kingston-upon-Hull. *Sol.* Pettingell, Kingston-upon-Hull.

Creditor under Estates in Chancery.

Last Day of Proof.

TUESDAY, *July* 26, 1859.

BANKS, FRANCIS, Esq., Thorpe, Norfolk (who died in Dec., 1840). Banks v. Gilman and another, V. C. Wood. Nov. 1.

Windings-up of Joint Stock Companies.

TUESDAY, *July* 26, 1859.

UNLIMITED, IN CHANCERY.

CAE CYNON MINING COMPANY.—Proof of debts, July 29, at 1, M.R.
CHESTER MUSIC HALL COMPANY.—Aug. 1, at 3; to appoint an Official Liquidator and prove debts, V. C. Wood.
NATIONAL ALLIANCE ASSURANCE COMPANY.—A Call of £9 per share is made on all the Contributories, payable on or before Aug. 1, to R. P. Harding, 5 Serle-st., Lincoln's-inn.
NATIONAL PATENT STEAM FUEL COMPANY.—Kindersley, V.C., will, on Aug. 4, at 12, make a Call on all the Contributories settled on the list Class C., of £1 15s. per share.
WELSHMAN SLATE AND SLAB QUARRYING COMPANY.—Kindersley, V.C., will, on Aug. 4, at 11, make a Call on all the Contributories of 12s. 6d. per share.

LIMITED IN BANKRUPTCY.

METROPOLITAN SALOON OMNIBUS COMPANY.—Aug. 6, at 11, Basinghall-st.; to appoint an Official Liquidator.

FRIDAY, *July* 29, 1859.

UNLIMITED, IN CHANCERY.

SEA FIRE LIFE ASSURANCE SOCIETY.—Aug. 12, at 12, at 4 Whitehall, a preremptory order of £5 per share on the Contributories. Tinney Master.

Scotch Sequestrations.

TUESDAY, *July* 26, 1859.

MILLAR, JAMES, Hat Manufacturer, 2 Reform-st., Dundee (J. & J. Millar & Co.) Aug. 6, at 12; British-hotel, Castle-st., Dundee. *Sec.* July 22.
SIVEWRIGHT, CHARLES KANE, Cargilfield, Edinburgh. Aug. 4, at 1; Cay & Black's Sale-rooms, 65 George-st., Edinburgh. *Sec.* July 23.
SPEED, JOHN, Builder, Partick (Speed & Ronaldson, Govan). Aug. 2, at 12; Globe-hotel, George-sq., Glasgow. *Sec.* July 22.

FRIDAY, *July* 29, 1859.

HARVEY, JOHN, Manure Dealer, sometime of Hatcham, Surrey, now of 128 Nicolson-st., Edinburgh. Aug. 5, at 12; Temperance Coffee-room, 114 High-st., Edinburgh. *Sec.* July 25.
OLLENDORFF, HERMAN, Proprietor of the Collegiate Institution, Great King-st., Edinburgh. Aug. 3, at 12; Dowells & Lyon's-rooms, Edinburgh. *Sec.* July 26.